

[12-4-24 draft]

1 **Legislative Management Committee Policy A -- General Legislative Branch**
2 **Administration**

3 (Adopted December 9, 2024)

4 **Part 1. General Provisions**

5 Section A-101. **Replacing and superseding previous policies.**

6 This policy replaces and supersedes any previous policy, communication, or directive of
7 the Legislative Management Committee or legislative leadership relating to a subject matter
8 addressed by this policy.

9 **Section A-102. Definitions.**

10 As used in this policy:

11 (1) "Executive staff officer" means:

12 (a) the chief of staff of the House of Representatives;

13 (b) the chief of staff of the Senate;

14 (c) the legislative auditor general;

15 (d) the legislative fiscal analyst;

16 (e) the legislative general counsel; or

17 (f) the director of the Office of Legislative Research and General Counsel.

18 (2)(a) "Legislative employee" means an individual employed by a legislative unit,
19 including an executive staff officer.

20 (b) "Legislative employee" does not include a legislator.

21 (3) "Legislative unit" means:

22 (a) the Legislature;

23 (b) the Senate;

24 (c) the House of Representatives;

25 (d) the Office of the Legislative Fiscal Analyst;

26 (e) the Office of the Legislative Auditor General;

27 (f) the Office of Legislative Research and General Counsel; or

28 (g) the Office of Legislative Services.

29 **Part 2. Legislators**

30 **Section A-205. Verification of ethics training completion.**

31 No later than January 5 of each year, a legislator shall provide verification of the
32 legislator's successful completion during the preceding calendar year of the ethics training

33 course developed under Rule JR6-1-301.

34 **Part 3. Legislative Employees**

35 **Section A-305. Executive legislative staff officer benefits.**

36 (1) As used in this section:

37 (a) "Eligible service year" means a consecutive 12-month period during which an
38 executive staff officer is employed as an executive staff officer.

39 (b) "Removed from office" means:

40 (i) for an executive staff officer who is the chief of staff of the House of Representatives
41 or the chief of staff of the Senate:

42 (A) termination of the executive staff officer's employment by the speaker of the House
43 of Representatives or president of the Senate, respectively; or

44 (B) an executive staff officer's resignation under threat of and in lieu of termination of
45 employment described in Subsection (1)(b)(i)(A); and

46 (ii) for an executive staff officer other than the chief of staff of the House of
47 Representatives and the chief of staff of the Senate:

48 (A) removal of an executive staff officer under Utah Code Section 36-12-7(3)(b)(ii);

49 (B) an executive staff officer's resignation under threat of and in lieu of removal under
50 Utah Code Section 36-12-7(3)(b)(ii); or

51 (C) failure to renew, under Utah Code Section 36-12-7(3)(b)(i), the appointment of the
52 executive staff officer who is seeking renewal of the appointment.

53 (2)(a)(i) Except as provided in Subsection (2)(b), a legislative unit shall provide and pay
54 for \$200,000 of term life insurance coverage for an executive staff officer employed by the
55 legislative unit if:

56 (A) the executive staff officer submits to the Office of Legislative Services a written
57 application for the additional coverage; and

58 (B) the Public Employees' Health Program underwriting process determines that the
59 executive staff officer is eligible for the additional coverage.

60 (ii) The term life insurance coverage under Subsection (2)(a)(i)(A) is in addition to term
61 life insurance provided to all other legislative employees.

62 (b) If an executive staff officer already has \$200,000 of term life insurance coverage
63 more than the term life insurance provided by the Public Employees' Health Program to all other
64 legislative employees, the legislative unit employing the executive staff officer is not required to
65 provide the additional term life insurance under Subsection (2)(a)(i) but shall pay the cost of
66 providing \$200,000 of the executive staff officer's existing term life insurance coverage through
67 the Public Employees' Health Program.

68 (c) The legislative unit that employs the executive staff officer shall add a small amount

69 of miscellaneous earnings to the executive staff officer's paycheck to help offset the additional
70 tax liability the executive staff officer incurs due to the executive staff officer's receipt of the
71 additional term life insurance coverage provided under this Subsection (2).

72 (3)(a) If an executive staff officer is removed from office, the legislative unit that employs
73 the executive staff officer shall, at the time the executive staff officer is removed from office,
74 provide the executive staff officer a severance benefit, as provided in Subsection (3)(b).

75 (b)(i) A severance benefit under Subsection (3)(a) consists of:

76 (A) one week of salary for each eligible service year that the executive staff officer was
77 employed as an executive staff officer, with a maximum of 12 weeks of salary; and

78 (B) if the executive staff officer is eligible for health insurance coverage under the
79 federal Consolidated Omnibus Budget Reconciliation Act, two pay periods of only medical
80 insurance coverage for each eligible service year, with a maximum of 13 pay periods, at the
81 level of medical insurance coverage that the executive staff officer had at the time the executive
82 staff officer is removed from office.

83 (ii) The legislative unit that employs the executive staff officer who is removed from
84 office shall, at the time the executive staff officer is removed from office, pay a lump sum
85 payment to the state's health insurance provider for the medical insurance coverage required
86 under Subsection (3)(b)(i)(B).

87 **Section A-310. Public transit benefit.**

88 (1) As used in this section:

89 (a) "Public transit benefit" means providing:

90 (i) a public transit pass; or

91 (ii) reimbursement for public transit fares.

92 (b) "Work-related travel" means the use of public transit:

93 (i) to commute to or from the legislative unit's principal office location; or

94 (ii) to travel to and from locations to conduct work within the scope of the legislative
95 employee's employment.

96 (2) A legislative unit may provide a public transit benefit to the legislative unit's
97 employees for work-related travel.

98 (3) A legislative employee employed by a legislative unit that provides a public transit
99 benefit consisting of reimbursement for public transit fares shall comply with the reimbursement
100 procedure established by the legislative unit.

101 **Section A-315. Purchase of military service credit.**

102 (1) As used in this section, "military service credit contribution" means a contribution by
103 a legislative unit of not more than one-half the amount required to purchase a military service
104 credit under Utah Code Section 49-11-402 for a legislative employee employed by the
105

106 legislative unit.
107 (2) A legislative unit may make a military service credit contribution as provided in this
108 section.
109 (3) Whether to make a military service credit contribution and the amount of the military
110 service credit contribution are within the sole discretion of the legislative unit.
111 (4) Notwithstanding Utah Code Section 49-11-402:
112 (a) a legislative unit may not make a military service credit contribution unless:
113 (i) the legislative employee has been employed by the legislative unit for at least 10
114 years;
115 (ii) the legislative unit determines that making a military service credit contribution will
116 result in a cost saving to the legislative unit; and
117 (iii) the legislative employee complies with other requirements imposed by the legislative
118 unit; and
119 (b) the maximum number of years of a military service credit for which the legislative unit
120 makes a military service credit contribution is four.

121 **Part 5. Other Administrative Matters**

122 **Section A-505. Legislative website.**

123 (1) The posting of information to a legislative website is under the jurisdiction and control
124 of the legislative unit that establishes and maintains the legislative website.
125 (2) A legislator may not post information to a legislative website without a prior two-thirds
126 vote of the Legislative Management Committee approving the posting.

127 **Legislative Management Committee Policy D -- Legislative Services**

128 (Adopted December 9, 2024)

129 **Part 1. General Provisions**

130 **Section D-101. Superseding prior policy, communication, or directive.**

131 This policy supersedes and replaces any previous policy, communication, or directive of
132 the Legislative Management Committee or legislative leadership relating to the Office of
133 Legislative Services or the Legislative Services Management Council.

134 **Section D-102. Definitions.**

135 As used in this policy:

- 136 (1) "Branchwide" means encompassing all legislative units.
137 (2) "Council" means the Legislative Services Management Council created in Section D-
138 301.
139 (3)(a) "Legislative employee" means an individual who is employed by a legislative unit.
140 (b) "Legislative employee" does not include a legislator.
141 (4) "Legislative services" means the Office of Legislative Services created in Section D-
142 201.
143 (5) "Legislative unit" means:
144 (a) the House of Representatives, in its administrative capacity and not in its lawmaking
145 capacity;
146 (b) the Senate, in its administrative capacity and not in its lawmaking capacity;
147 (c) the Office of Legislative Research and General Counsel;
148 (d) the Office of the Legislative Fiscal Analyst;
149 (e) the Office of the Legislative Auditor General; or
150 (f) the Office of Legislative Services.

151 **Part 2. Office of Legislative Services**

152 **Section D-201. Creation of Office of Legislative Services -- Powers, functions, and**
153 **duties -- Executive officer of Legislative Services.**

154 (1) There is created a permanent staff office for the Legislature known as the Office of
155 Legislative Services.

156 (2) The powers, functions, and duties of legislative services are to provide branchwide
157 services to legislative units, including services in the areas of:

- 158 (a) accounting;
159 (b) human resources, including employing and supervising legislative interns;

- 160 (c) allegations of workplace discrimination or harassment;
161 (d) compliance with the requirements of Title II of the Americans with Disabilities Act of
162 1990;
163 (e) information technology;
164 (f) printing; and
165 (g) other services that lend themselves to a branchwide approach.
- 166 (3)(a)(i) Legislative services shall provide branchwide services that complement and
167 support but do not duplicate, interfere with, or supersede services provided by a legislative unit.
168 (ii) A legislative unit may choose not to receive a service provided by legislative services.
- 169 (b) Legislative services shall employ and supervise legislative interns in accordance with
170 Legislative Management Committee Policy W - Legislative Intern Program.
- 171 (4)(a) Under the council's direction, legislative services shall be managed and
172 supervised by an executive officer selected by the council.
- 173 (b) The executive officer shall be an attorney licensed to practice law in the state.
- 174 (c) The executive officer:
175 (i) hires and manages employees of legislative services;
176 (ii) is authorized to terminate the employment of a legislative services employee;
177 (iii) recommends a legislative services budget to the council;
178 (iv) manages the legislative services budget;
179 (v) provides legal advice to legislative units in the areas of procurement, legislative
180 records, and employment law;
181 (vi) shall report to the council, as requested by the council; and
182 (vii) shall perform other functions related to legislative services, as directed by the
183 council.
- 184 (d) The legislative services executive officer is an at-will employee who:
185 (i) serves at the pleasure of the council and may be removed by the council at any time;
186 and
187 (ii) is under the direct supervision of legislative general counsel.

188 **Part 3. Legislative Services Management Council -- Creation -- Membership -- Chair and**
189 **Vice Chair -- Duties.**

190 **Section D-301. Creation of Legislative Services Management Council.**

191 There is created an administrative staff committee of the Legislature known as the
192 Legislative Services Management Council.

193 **Section D-302. Council membership -- Council action.**

194 (1) The council consists of:

- 195 (a) the chief of staff of the Senate;
196 (b) the legislative auditor general;
197 (c) the legislative general counsel;
198 (d) the chief of staff of the House of Representatives;
199 (e) the legislative fiscal analyst; and
200 (f) the director of the Office of Legislative Research and General Counsel.
201 (2) Action by the council requires the consent of a majority of all council members.

202 **Section D-303. Council chair and vice chair.**

203 (1)(a) The chair of the council is one of the individuals designated as council members
204 under Subsection D-302(1).

205 (b) The vice chair of the council is the council member who will become chair the next
206 July 1.

207 (2)(a)(i) Each council member shall serve as chair for a one-year period, from July 1
208 until June 30 of the following year, on a rotating basis in the order of council membership listed
209 in Subsection D-302(1), beginning with the chief of staff of the Senate, who shall serve as the
210 initial chair until June 30, 2025.

211 (ii) The vice chair serves the same period as the chair.

212 (b) The initial period of service for the chief of staff of the Senate, as described in
213 Subsection (2)(a)(i), shall be considered the first one-year period in the rotation.

214 (3)(a)(i) The chair:

215 (A) oversees and coordinates the work of the council;

216 (B) establishes the agenda for council meetings; and

217 (C) presides at council meetings.

218 (ii)(A) As directed by the chair, the vice chair assists the chair in fulfilling the chair's
219 responsibility to oversee and coordinate the work of the council.

220 (B) In the absence of the chair, the vice chair establishes the agenda for council
221 meetings and presides at council meetings.

222 (b) Any council member may request the chair or, in the absence of the chair, the vice
223 chair to add an item to the council meeting agenda.

224 **Section D-304. Council duties and responsibilities.**

225 (1) The council shall:

226 (a) facilitate the coordination of services provided by the legislative units to enhance
227 efficiency and avoid conflicts between legislative units;

228 (b) review and approve the legislative services budget recommended by the executive
229 officer and recommend the legislative services budget to the Legislature;

230 (c) exercise general control and supervision over branchwide services provided by

231 legislative services;
232 (d) within budgetary constraints, hire and oversee a full-time executive officer for
233 legislative services;
234 (e) adopt branchwide policies affecting legislative employees, which may include policies
235 on employee training, service awards, leave, family medical leave, postpartum and parental
236 leave, leave-sharing, and benefits;
237 (f) develop and implement templates that:
238 (i) are standardized branchwide for communications and documents generated by
239 legislative units; and
240 (ii) distinctly identify the legislative unit that generates the communication or document;
241 and
242 (g) perform other functions and duties as directed by the Legislative Management
243 Committee.
244 (2) The council may adopt policies to facilitate the practical implementation of a policy
245 adopted by the Legislative Management Committee relating to legislative employees.
246 (3)(a) The council may establish prices at which the public may purchase publications or
247 other documents printed by the printing office that is within legislative services.
248 (b) Prices established under Subsection (3)(a) shall be reasonably calculated to cover
249 only the staff, printing, and other costs associated with providing the publication or other
250 document.
251 (4)(a) The council shall provide periodic updates and, as the council considers
252 appropriate, recommendations to the president of the Senate and speaker of the House of
253 Representatives on:
254 (i) the legislative services budget;
255 (ii) branchwide services provided by legislative services;
256 (iii) legislative services staffing requirements and resource needs to enable legislative
257 services to provide the branchwide services for which legislative services is responsible; and
258 (iv) any other legislative services matters of concern to the council or the president or
259 speaker.
260 (b) The council shall, upon request, report to the Legislative Management Committee.
261 (5) The council may make recommendations to the Legislative Management Committee
262 concerning the adoption or amendment of Legislative Management Committee policies.

263 **Section D-305. Legislative unit cooperation -- Individual legislative unit policies.**

264 (1) A legislative unit shall cooperate and coordinate with other legislative units to
265 maximize branchwide efficiency among legislative units and to minimize conflict between
266 legislative units.

267 (2) A legislative unit may adopt policies that are not inconsistent with Legislative

268 Management Committee policies to govern legislative employees of that legislative unit.

269 **Legislative Management Committee Policy E - Legislative Workplace**
270 **Discrimination Prevention**
271 (Adopted December 9, 2024)

272 **Part 1. General Provisions**

273 **Section E-101. Replacing and superseding previous policies -- Purposes of policy.**

274 (1) This policy replaces and supersedes any policy previously adopted by the Legislative
275 Management Committee or legislative leadership relating to workplace discrimination or
276 harassment.

277 (2) The purposes of this policy are:

278 (a) to express the Legislature's firm commitment to providing a legislative environment
279 that is free from discriminatory conduct, including sexual harassment;

280 (b) to encourage the reporting of an incident of discriminatory conduct or retaliation;

281 (c) to provide a process for handling complaints that allege discriminatory conduct or
282 retaliation; and

283 (d) to provide for corrective action against anyone found to have engaged in
284 discriminatory conduct or retaliation.

285 **Section E-102. Definitions.**

286 As used in this policy:

287 (1) "Complaint" means a formal statement that:

288 (a) alleges discriminatory conduct or retaliation; and

289 (b) manifests a clear intent to request or initiate a formal investigation of an allegation of
290 discriminatory conduct or retaliation.

291 (2) "Compliance officer" means an individual designated under Section L-103.

292 (3) "Discriminatory conduct" means:

293 (a) workplace conduct that is unlawful under federal or state antidiscrimination law;

294 (b) violence or unfair treatment directed toward a legislator or legislative employee in the
295 workplace because of any of the following characteristics of the individual:

296 (i) race;

297 (ii) color;

298 (iii) sex;

299 (iv) sexual orientation;

300 (v) gender identity;

301 (vi) a pregnancy, childbirth, or pregnancy-related condition;

302 (vii) age, if over 40 years;

303 (viii) religion;

304 (ix) national origin;
305 (x) citizenship status;
306 (xi) a disability; or
307 (xii) genetic information;
308 (c) harassment; or
309 (d) sexual harassment.
310 (4) "Harassment" means unwelcome workplace conduct that denigrates or shows
311 hostility or aversion toward an individual because the individual has any of the characteristics
312 listed in Subsection (3)(a)(ii), if the conduct:
313 (a) has the purpose or effect of:
314 (i) creating an intimidating, hostile, or abusive work environment; or
315 (ii) unreasonably interfering with the individual's work performance; or
316 (b) otherwise adversely affects the individual's employment opportunities.
317 (5)(a) "Legislative employee" means an individual:
318 (i) employed by a legislative unit; or
319 (ii) applying for employment with a legislative unit.
320 (b) "Legislative employee" does not include a legislator.
321 (6) "Legislative area" means the same as that term is defined in Utah Code Section
322 63O-1-101.
323 (7) "Legislative services" means the Office of Legislative Services created by Section D-
324 201 of Legislative Management Committee Policy D - Legislative Services.
325 (8) "Legislative unit" means:
326 (a) the Legislature;
327 (b) the Senate;
328 (c) the House of Representatives;
329 (d) the Office of the Legislative Fiscal Analyst;
330 (e) the Office of the Legislative Auditor General;
331 (f) the Office of Legislative Research and General Counsel; or
332 (g) the Office of Legislative Services.
333 (9) "Responsible officer" means:
334 (a) the speaker of the House of Representatives, for a report or complaint involving:
335 (i) a representative other than the speaker of the House of Representatives; or
336 (ii) the chief of staff of the House of Representatives;
337 (b) the majority leader of the House of Representatives, for a report or complaint
338 involving the speaker of the House of Representatives;
339 (c) the president of the Senate, for a report or complaint involving:
340 (i) a senator other than the president of the Senate; or
341 (ii) the chief of staff of the Senate;

- 342 (d) the majority leader of the Senate, for a report or complaint involving the president of
343 the Senate;
- 344 (e) the president of the Senate and speaker of the House of Representatives, for a
345 report or complaint involving:
- 346 (i) the director of the Office of Legislative Research and General Counsel;
- 347 (ii) the legislative fiscal analyst;
- 348 (iii) the legislative auditor general; or
- 349 (iv) legislative general counsel;
- 350 (f) the chief of staff of the House of Representatives, for a report or complaint involving
351 an employee of the House of Representatives other than the chief of staff;
- 352 (g) the chief of staff of the Senate, for a report or complaint involving an employee of the
353 Senate other than the chief of staff;
- 354 (h) the director of the Office of Legislative Research and General Counsel, for a report
355 or complaint involving an employee of the Office of Legislative Research and General Counsel
356 other than the director;
- 357 (i) the legislative fiscal analyst, for a report or complaint involving an employee of the
358 Office of the Legislative Fiscal Analyst other than the legislative fiscal analyst;
- 359 (j) the legislative auditor general, for a report or complaint involving an employee of the
360 Office of the Legislative Auditor General other than the legislative auditor general;
- 361 (k) legislative general counsel, for a report or complaint involving the executive officer of
362 the Office of Legislative Services; or
- 363 (l) the executive officer of the Office of Legislative Services, for a report or complaint
364 involving an employee of the Office of Legislative Services other than the executive officer.
- 365 (10) "Retaliation" means an adverse action taken against an individual because the
366 individual:
- 367 (a) opposes discriminatory conduct;
- 368 (b) reports discriminatory conduct or submits a complaint; or
- 369 (c) testifies, assists, or participates in any manner in a formal or informal investigation of
370 a report or complaint of discriminatory conduct.
- 371 (11) "Sexual harassment" means an unwelcome sexual advance, a request for a sexual
372 favor, or other conduct of a sexual nature if:
- 373 (a) submission to the advance, request, or conduct is explicitly or implicitly made a term
374 or condition of:
- 375 (i) an individual's employment; or
- 376 (ii) the individual's receipt of a beneficial employment or legislative action;
- 377 (b) submission to or rejection of the advance, request, or conduct is used as a basis for
378 an employment decision concerning the individual; or
- 379 (c) the advance, request, or conduct:

- 380 (i) unreasonably interferes with an individual's work performance; or
381 (ii) creates an intimidating, hostile, or offensive, work environment.

382 **Section E-103. Designation of compliance officer.**

383 (1)(a) Except as provided in Subsection (1)(b), the executive officer of legislative
384 services shall act as compliance officer.

385 (b)(i) The executive officer of legislative services may request the legislative general
386 counsel to designate an individual to act as compliance officer in the place of or in addition to
387 the executive officer.

388 (ii) If a report or complaint alleges discriminatory conduct or retaliation by the executive
389 officer of legislative services, the legislative general counsel shall designate an individual other
390 than the executive officer to act as compliance officer with respect to that report or complaint.

391 (2) The executive officer of legislative services or the executive officer's designee shall
392 conspicuously post at various locations within the legislative area notices containing:

393 (a) information about how to report discriminatory conduct or retaliation and submit a
394 complaint; and

395 (b) the identity and contact information of each compliance officer.

396 **Part 2. Complaint Process**

397 **Section E-201. Report or complaint of discriminatory conduct or retaliation --**
398 **Investigation.**

399 (1) An individual who believes to have been the subject of or to have witnessed
400 discriminatory conduct or retaliation may report the discriminatory conduct or retaliation or
401 submit a complaint to the compliance officer.

402 (2)(a) A compliance officer:

403 (i) shall conduct or direct an investigation of a report or complaint of discriminatory
404 conduct or retaliation as the compliance officer considers necessary and appropriate under all
405 the circumstances; and

406 (ii) may consult with and advise:

407 (A) an individual who reports allegations of discriminatory conduct or retaliation or is
408 considering submitting a complaint; or

409 (B) the responsible officer or other supervisor of the individual.

410 (b) Subject to budgetary constraints, a compliance officer:

411 (i) shall engage an outside investigator to conduct an investigation of a complaint
412 alleging discriminatory conduct or retaliation by a legislator or a member of the Legislative
413 Services Management Council; and

414 (ii) may engage an outside investigator to conduct an investigation of a report or

415 complaint alleging discriminatory conduct or retaliation by an individual other than a legislator or
416 a member of the Legislative Services Management Council.

417 (3) The compliance officer shall:

418 (a) provide the individual named in the complaint notice of the complaint and an
419 opportunity to be heard concerning the allegations of the complaint; and

420 (b) take all reasonable steps to ensure that the investigation of the complaint is fair and
421 free from bias, collusion, intimidation, and retaliation.

422 (4) A compliance officer may refer alleged discriminatory conduct or retaliation for
423 criminal prosecution if the compliance officer determines that referral is warranted.

424 **Section E-202. Corrective action.**

425 (1) If, following an investigation of a complaint under Section E-201, a compliance
426 officer finds that it is more likely than not that a legislator or legislative employee engaged in
427 discriminatory conduct or retaliation, the compliance officer shall promptly refer the complaint
428 and the compliance officer's findings to the responsible officer for appropriate corrective action.

429 (2) A corrective action is intended to:

430 (a) impose discipline, as appropriate, on an individual who is found, as provided in
431 Subsection (1), to have engaged in discriminatory conduct or retaliation; and

432 (b) prevent any further discriminatory conduct or retaliation by the individual who is
433 subject to the corrective action.

434 (3) A corrective action for an individual found, as provided in Subsection (1), to have
435 engaged in discriminatory conduct or retaliation may include:

436 (a) for any individual:

437 (i) a requirement to undergo discriminatory conduct training; and

438 (ii) monitoring behavior for a period of time to ensure compliance with prohibitions on
439 discriminatory conduct and retaliation;

440 (b) for a legislator:

441 (i) removal from a committee assignment or other legislative assignment; or

442 (ii) other disciplinary action the responsible officer considers appropriate; and

443 (c) for a legislative employee, disciplinary employment action, including:

444 (i) a negative report to the employee's employment file;

445 (ii) a temporary suspension;

446 (iii) a reduction in pay;

447 (iv) termination of employment; or

448 (v) any other disciplinary action that the responsible officer considers appropriate.

449 (4) A corrective action under this section:

450 (a) is not the exclusive remedy for discriminatory conduct or retaliation; and

451 (b) is separate from and in addition to any other sanction or penalty that could be

452 imposed under applicable law against an individual who engages in discriminatory conduct or
453 retaliation.

454 (5)(a) If the compliance officer finds, as provided in Subsection (1), that an individual
455 other than a legislator or legislative employee has engaged in discriminatory conduct or
456 retaliation against a legislator or legislative employee, the compliance officer shall report that
457 finding to the responsible officer for possible corrective action against the individual to
458 safeguard the legislator or legislative employee.

459 (b) Corrective action under Subsection (5)(a) may include:

460 (i) directing the individual to discontinue interacting with the legislator or legislative
461 employee who submitted the report or complaint; or

462 (ii) limiting the individual's access to some or all of the legislative area.

463 **Section E-203. Confidentiality.**

464 (1)(a) To the extent permitted by law and except as otherwise provided in Utah Code
465 Title 63G, Chapter 2, Government Records Access and Management Act, all communications,
466 documents, or other materials related to a report, complaint, or investigation of discriminatory
467 conduct or retaliation shall be maintained strictly confidential, subject to the need for limited
468 disclosure to conduct investigative activities or take corrective action.

469 (b) Confidentiality is important to avoid the negative consequences that disclosure might
470 cause, including embarrassment to an individual reporting or submitting a complaint of
471 discriminatory conduct or retaliation and discouraging individuals from reporting discriminatory
472 conduct or retaliation or submitting a complaint in the future.

473 (2) A compliance officer and responsible officer shall maintain documents relating to a
474 report or complaint of discriminatory conduct or retaliation separate from other documents or
475 files that are not related to the report or complaint.

476 (3) A compliance officer may report an allegation, report, or complaint of discriminatory
477 conduct or retaliation to the responsible officer of the individual alleged to have engaged in
478 discriminatory conduct or retaliation, if the compliance officer determines the circumstances
479 warrant reporting to the responsible officer.

480 **Section E-204. Duty to report.**

481 A responsible officer or a legislator or legislative employee in a supervisory role who has
482 knowledge of discriminatory conduct or retaliation shall report the discriminatory conduct or
483 retaliation to a compliance officer.

484 **Legislative Management Committee Policy F - Americans with Disabilities Act**
485 **Grievance Procedure**
486 (Adopted December 9, 2024)

487 **Part 1. General Provisions**

488 **Section F-101. Replacing and superseding previous policies -- Purposes.**

489 (1) This policy replaces and supersedes the policy titled "Grievance Procedure under the
490 Americans with Disabilities Act," previously adopted by the Legislative Management Committee,
491 and any other policy adopted by the Legislative Management Committee or legislative
492 leadership concerning a grievance procedure under the Americans with Disabilities Act.

493 (2) The purposes of this policy are:

494 (a) to reinforce the firm commitment of the Legislature to ensuring that the legislative
495 branch provides and makes available the benefits of legislative services, programs, and
496 activities to all individuals without discrimination on the basis of an individual's disability; and

497 (b) to establish, in accordance with the provisions of Title II of the Americans with
498 Disabilities Act of 1990, a grievance procedure for claims alleging discrimination on the basis of
499 disability in providing or making available the benefits of services, activities, or programs of
500 legislative units.

501 **Section F-102. Definitions.**

502 As used in this policy:

503 (1) "ADA" means Title II of the Americans with Disabilities Act of 1990.

504 (2) "ADA complaint" means a complaint under the ADA alleging discrimination on the
505 basis of disability in the provision of services, activities, programs, or benefits by an entity within
506 the legislative branch.

507 (3) "ADA coordinator" means an individual designated by the council to:

508 (a) coordinate the efforts of the legislative branch to comply with the ADA; and

509 (b) receive and process an ADA complaint as provided in the ADA grievance procedure.

510 (4) "ADA grievance procedure" means the DOJ grievance procedure, attached as
511 Appendix A, with applicable legislative information substituted in place of information appearing
512 in brackets in the DOJ grievance procedure.

513 (5) "ADA notice" means the DOJ notice, attached as Appendix B, with applicable
514 legislative information substituted in place of information appearing in brackets in the DOJ
515 notice.

516 (6) "Appeal officer" means an individual designated by the council to receive and
517 process an appeal of a decision of the ADA coordinator as provided in the ADA grievance
518 procedure.

519 (7) "Council" means the Legislative Services Management Council created in Section D-
520 301 of Legislative Management Committee Policy D - Legislative Services.

521 (8) "DOJ" means the United States Department of Justice.

522 (9) "Legislative area" means the same as that term is defined in Utah Code Section
523 63O-1-101.

524 **Part 2. Grievance and Appeal Process**

525 **Section F-201. Adoption of ADA grievance procedure -- Notice.**

526 (1) The ADA grievance procedure is adopted for the legislative branch.

527 (2) The council shall:

528 (a) substitute applicable legislative information for information contained in brackets in
529 the DOJ grievance procedure and the DOJ notice;

530 (b) designate a legislative employee as the ADA coordinator;

531 (c) designate a legislative employee as the appeal officer; and

532 (d) ensure that the ADA notice is posted in conspicuous places throughout the
533 legislative area, in accordance with ADA notice requirements.

534 **Section F-202. Retention of records.**

535 In accordance with the record retention schedule attached as Appendix A to Legislative
536 Management Committee Policy L - Legislative Records, the ADA coordinator shall retain a
537 written complaint, a written response relating to a complaint, a written appeal, and a written
538 response relating to an appeal for three years after final resolution of the complaint or appeal.

539 **Section F-203. Other remedies.**

540 The ADA grievance procedure does not prohibit or limit any other lawful remedy
541 available to an individual for an alleged violation of the ADA.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), **[name of public entity]** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: **[Name of public entity]** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: **[Name of public entity]** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **[name of public entity's]** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: **[Name of public entity]** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **[name of public entity]** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **[name of public entity]**, should contact the office of **[name and contact information for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require **[name of public entity]** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **[name of public entity]** is not accessible to persons with disabilities should be directed to **[name and contact information for ADA Coordinator]**.

[Name of public entity] will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

[Name of public entity]
Grievance Procedure Under
The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the ***[name of public entity]***. The ***[e.g., State, City, County, Town]***'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Insert ADA Coordinator's name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator's mailing address]

Within 15 calendar days after receipt of the complaint, ***[ADA Coordinator's name]*** or ***[his/her]*** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ***[ADA Coordinator's name]*** or ***[his/her]*** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the ***[name of public entity]*** and offer options for substantive resolution of the complaint.

If the response by ***[name of ADA coordinator]*** or ***[his/her]*** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ***[City Manager/ County Commissioner, or other appropriate high-level official]*** or ***[his/her]*** designee.

Within 15 calendar days after receipt of the appeal, the ***[City Manager/ County Commissioner/ other appropriate high-level official]*** or ***[his/her]*** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ***[City Manager/ County Commissioner/ other appropriate high-level official]*** or ***[his/her]*** designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **[name of ADA coordinator]** or **[his/her]** designee, appeals to the **[City Manager/ County Commissioner/other appropriate high-level official]** or **[his/her]** designee, and responses from these two offices will be retained by the **[public entity]** for at least three years.

542 **Legislative Management Committee Policy G -- Use of Legal Services**
543 (Adopted December 9, 2024)

544 **Part 1. General Provisions**

545 **Section G-101. Replacing and superseding prior policies.**

546 This policy replaces and supersedes:

547 (1) the Legislative Management Committee policy titled "Use of Legislative General
548 Counsel in Litigation";

549 (2) the Legislative Management Committee policy titled "Legislative Management
550 Committee Policy for Obtaining Formal Legal Opinions"; and

551 (3) any other policy or directive from the Legislative Management Committee or
552 legislative leadership regarding legal services provided by general counsel or the office.

553 **Section G-102. Definitions.**

554 As used in this policy:

555 (1) "Chief officer" means:

556 (a) for the Legislature, the president of the Senate and speaker of the House of
557 Representatives;

558 (b) for the Senate, the president of the Senate;

559 (c) for the House of Representatives, the speaker of the House of Representatives; or

560 (d) for a staff office of the Legislature, the director or executive officer of the staff office.

561 (2)(a) "Formal legal opinion" means a written document that:

562 (i) is prepared by the office under the direction of general counsel;

563 (ii) provides in-depth legal analysis of an issue;

564 (ii) states the official legal conclusion of general counsel on behalf of the office; and

565 (iv) is signed by general counsel.

566 (b) "Formal legal opinion" does not include a written or unwritten legal analysis or
567 opinion that:

568 (i) is provided by an attorney in the office in the normal course of advising a legislator
569 on:

570 (A) an issue related to proposed legislation, including the constitutionality of proposed
571 legislation; or

572 (B) another legislative issue; and

573 (ii) does not state the official legal conclusion of general counsel on behalf of the office.

574 (3) "General counsel" means the individual appointed by the Legislature to provide and
575 control legal services for the Legislature, in accordance with Utah Constitution Article VI,
576 Section 32.

- 577 (4) "Legislative entity" means:
578 (a) the Legislature;
579 (b) the Senate;
580 (c) the House of Representatives;
581 (d) a committee or subcommittee of the Legislature; or
582 (e) a staff office of the Legislature.
583 (5) "Legislative individual" means:
584 (a) a legislator; or
585 (b) an individual employed by a legislative entity.
586 (6) "Litigation" means a case or controversy before a court, administrative agency, or
587 other tribunal.
588 (7) "Mixed-membership entity" means a commission, task force, or similar entity:
589 (a) that is created by legislation;
590 (b) a majority of whose membership is comprised of legislators;
591 (c) whose membership includes one or more individuals who are not legislators; and
592 (d) that is staffed by the office.
593 (8) "Office" means the Office of Legislative Research and General Counsel.
594 (9) "Official capacity behavior" means an act or omission that occurs in the course and
595 scope of a legislative individual's capacity as a legislative individual.
596 (10) "Voluntary involvement" means involvement in litigation as a plaintiff or an amicus
597 curiae.

598 **Part 2. Legal Services Provided by General Counsel**

599 **Section G-201. Use of general counsel in litigation.**

- 600 (1)(a) Subject to Subsection (1)(b), general counsel shall provide legal representation
601 for:
602 (i) a legislative entity that is named as a defendant in litigation; and
603 (ii) a legislative individual who is:
604 (A) named as a defendant in litigation alleging a claim based on the legislative
605 individual's official capacity behavior; or
606 (B) subpoenaed in litigation to provide testimony relating to the legislative individual's
607 official capacity behavior.
608 (b)(i) Before providing legal representation under Subsection (1)(a), general counsel
609 may seek Legislative Management Committee approval of the legal representation.
610 (ii) In seeking Legislative Management Committee approval under Subsection (1)(b)(i),
611 general counsel may make a recommendation concerning the legal representation.
612 (2) Only with the approval of the Legislative Management Committee, general counsel

613 may provide legal representation for:
614 (a) a legislative entity or legislative individual who seeks voluntary involvement in
615 litigation; or
616 (b) a mixed-membership entity.
617 (3)(a) General counsel may provide legal representation under this section by engaging
618 outside counsel, subject to budgetary constraints.
619 (b) General counsel shall require any outside counsel engaged by general counsel to
620 work under the direction and control of general counsel.
621 (4) If general counsel requires client direction during the course of litigation in which
622 general counsel is providing legal representation, general counsel shall seek and receive that
623 client direction from:
624 (a) the president of the Senate and speaker of the House of Representatives for
625 litigation involving the Legislature, a committee or subcommittee of the Legislature, a mixed-
626 membership entity, or a staff office of the Legislature;
627 (b) the president of the Senate for litigation involving the Senate;
628 (c) the speaker of the House of Representatives for litigation involving the House of
629 Representatives;
630 (d) for litigation involving a legislative individual who is a legislator, the legislator; or
631 (e) for litigation involving a legislative individual who is an individual employed by a
632 legislative entity, the legislative individual, in consultation with the chief officer of the legislative
633 entity that employs the individual.

634 **Section G-202. Approval required for formal legal opinion.**

635 General counsel may provide a formal legal opinion to a legislator only if the legislator
636 first:

637 (1) obtains written approval for the formal legal opinion from:
638 (a) the majority leader of the legislator's chamber, if the legislator is a member of the
639 majority party; or
640 (b) the minority leader of the legislator's chamber, if the legislator is a member of the
641 minority party; and
642 (2) delivers a copy of the written approval under Subsection (1) to:
643 (a) the president of the Senate, if the legislator is a senator;
644 (b) the speaker of the House of Representatives, if the legislator is a representative; and
645 (c) general counsel.

650 **Part 1. General Provisions**

651 **Section H-101. Superseding prior policy.**

652 This policy supersedes and replaces the Legislative Management Committee
653 Policy on Legislative Procurement, adopted July 16, 2013.

654 **Section H-102. Definitions.**

655 (1) As used in this policy, the following terms mean the same as the terms are
656 defined in Utah Code Section 63G-6a-103:

- 657 (a) "approved vendor list process;"
- 658 (b) "bidding process;"
- 659 (c) "contract;"
- 660 (d) "contractor;"
- 661 (e) "legislative procurement unit;"
- 662 (f) "procurement;"
- 663 (g) "procurement item;"
- 664 (h) "professional service;"
- 665 (i) "request for proposals;"
- 666 (j) "request for proposals process;"
- 667 (k) "responsible;"
- 668 (l) "responsive;"
- 669 (m) "small purchase process;"
- 670 (n) "solicitation;"
- 671 (o) "solicitation response;"
- 672 (p) "standard procurement process;"
- 673 (q) "state cooperative contract;"
- 674 (r) "tie bid;" and
- 675 (s) "vendor."

676 (2) As used in this policy:

- 677 (a) "Annual cumulative threshold" means the same as that term is defined in
678 Utah Code Section 63G-6a-506.

679 (b) "Electronic signature" means the same as that term is defined in Utah Code
680 Section 46-4-102.

681 (c) "Information technology" means the same as that term is defined in Utah
682 Code Section 63F-1-102.

683 (d) "Mixed procurement item" means:
684 (i) a procurement item that has features of both a standard procurement item
685 and a professional service procurement item; or
686 (ii) a standard procurement item that:
687 (A) consists of information technology; and
688 (B) requires professional service to customize, modify, or otherwise be acted on
689 to make it meet the legislative procurement unit's purposes for acquiring the standard
690 procurement item.

691 (e) "New technology" means any invention, discovery, improvement, or
692 innovation that was not available to the legislative procurement unit on the effective
693 date of the contract, whether or not subject to protection under applicable copyright or
694 patent laws, including:
695 (i) new or emerging processes, information technology, or machines;
696 (ii) improvements to or new applications of existing processes, information
697 technology, or machines; and
698 (iii) any new applications of existing processes, information technology, or
699 machines.

700 (f) "Procurement official" means:
701 (i) the individual or individuals designated in Section H-103 of this policy; or
702 (ii) to the extent of the duties and authority delegated under Subsection H-
703 105(2), the employee or employees to whom duties and authority have been delegated
704 under Subsection H-105(2).

705 (g) "Professional service procurement item" means a procurement item
706 consisting of professional service.

707 (h) "Single procurement aggregate threshold" means the same as that term is
708 defined in Utah Code Section 63G-6a-506.

709 (i) "Single solicitation response" means the only responsive solicitation response
710 submitted by a responsible vendor in response to a solicitation.

711 (j) "Small purchase" means a procurement under Utah Code Section 63G-6a-
712 506 and Part 5, Small Purchases.

713 (k) "Standard procurement item" means a procurement item other than
714 professional service.

715 **Section H-103. Designation of procurement officials of legislative**
716 **procurement units -- Protest officer.**

717 (1) The following are designated as the procurement official for the applicable
718 legislative procurement unit:

719 (a) for the Legislature, the president of the Senate and the speaker of the House
720 of Representatives;

721 (b) for the Senate, the president of the Senate;

722 (c) for the House of Representatives, the speaker of the House of
723 Representatives;

724 (d) for the Office of the Legislative Fiscal Analyst, the legislative fiscal analyst;

725 (e) for the Office of the Legislative Auditor General, the legislative auditor
726 general;

727 (f) for the Office of Legislative Research and General Counsel:

728 (i) for the procurement of legal services, legislative general counsel; and

729 (ii) for any other procurement, the director of the Office of Legislative
730 Research and General Counsel; and

731 (g) for the Office of Legislative Services, the executive officer of the Office of
732 Legislative Services.

733 (2) The protest officer of all legislative procurement units is an individual
734 designated by legislative general counsel.

735 **Section H-105. Legislative procurement unit acts through the procurement**
736 **official -- Delegation of authority.**

737 (1) Except as otherwise explicitly provided in statute or this policy, for
738 procurement purposes a legislative procurement unit acts through the procurement
739 official of the legislative procurement unit.

740 (2)(a) A procurement official may in writing delegate some or all of the
741 procurement official's duties and authority to one or more employees of the
742 procurement unit, as the procurement official considers appropriate.

743 (b) A delegation under Subsection (2)(a) remains in effect until modified or
744 revoked in writing.

745 **Section H-106. Options for dealing with single solicitation response.**

746 A legislative procurement unit that receives a single solicitation response in
747 response to a solicitation may:

748 (1) award a contract to the vendor that submitted the single solicitation response
749 if the procurement official determines that:

750 (a) the legislative procurement unit's actions relating to the issuance and notice
751 of the solicitation complied with statute and this policy;

752 (b) the solicitation response meets the minimum requirements of the solicitation;

753 (c) other vendors had a fair opportunity to submit a solicitation response;

754 (d) the terms of the single solicitation response, including pricing, are fair and
755 reasonable; and

756 (e) awarding the contract to the vendor that submitted the single solicitation
757 response is in the best interest of the legislative procurement unit;

758 (2)(a) revise the solicitation as the procurement official considers appropriate,
759 including to extend the deadline for submitting a solicitation response; and

760 (b) reissue and provide notice of the revised solicitation, allowing vendors,
761 including the vendor that submitted the single solicitation response, to submit a
762 solicitation response to the revised solicitation; or

763 (3) abandon the procurement.

764 **Section H-107. Solicitation response from a person who is suspended,
765 debarred, or ineligible.**

766 A legislative procurement unit may not accept or evaluate a solicitation response
767 from a person who is suspended, debarred, or otherwise ineligible to submit a
768 solicitation response at the time that the solicitation response is due.

769 **Section H-108. Claim of business confidentiality.**

770 (1)(a) A person who submits a solicitation response that contains information
771 that the person claims should be protected under Subsection 63G-2-305(1) or (2) shall:

772 (i) comply with the requirements of Section 63G-2-309; and

773 (ii)(A) submit a version of the solicitation response that is without redaction,
774 marked "Contains Protected Confidential Business Information"; and

775 (B) submit a version of the solicitation response clearly marked as a "Redacted
776 Version," with all information claimed to be protected under Subsection 63G-2-305(1) or
777 (2) redacted.

778 (b) An evaluation committee may use the version of the solicitation response that
779 is unredacted for evaluation purposes.

780 (c) The redacted version of the solicitation response is the version of the
781 solicitation response that is for eventual public release.

782 (d) Both versions of a solicitation response submitted under this section are
783 subject to the provisions of Title 63G, Chapter 2, Government Records Access and
784 Management Act, and the Utah Legislature Policies and Procedures for Handling
785 Records Requests.

786 (2) A legislative procurement unit may consider a solicitation response to be not
787 responsive if the the vendor claims that all or substantially all of the material provisions
788 of the solicitation response should be protected under Subsection 63G-2-305(1) or (2).

789 **Section H-109. Exceptions to the terms and conditions in a solicitation.**

790 (1) As used in this section, "exception request" means a request by a vendor for
791 an exception or change to one or more of the terms or conditions of a solicitation.

792 (2) Subject to any exception or change granted under this section, by submitting
793 a solicitation response a vendor:

794 (a) acknowledges that the terms and conditions, scope of work, and process
795 described in the solicitation are fair, equitable, and not unduly restrictive; and

796 (b) certifies that the vendor understands and agrees to the terms and conditions,
797 scope of work, and process described in the solicitation.

798 (3)(a) A vendor seeking an exception or change to any of the terms or conditions
799 contained in a solicitation shall include an exception request in the vendor's solicitation
800 response.

801 (b) An exception request:

802 (i) shall clearly identify each term or condition as to which the vendor requests an
803 exception or change;

804 (ii) shall clearly explain each requested exception or change; and

805 (iii) may not incorporate information by reference to a source external to the
806 solicitation response.

807 (4) The procurement official may decline to negotiate an exception request or
808 reject an exception request if the procurement official determines that:

809 (a) what is requested in the exception request is excessive;

810 (b) granting the exception request would result in a contract that is inconsistent
811 with other similar contracts of the legislative procurement unit;

812 (c) the exception or change would impair a warranty, insurance, indemnification
813 provision, or other protection that the procurement official determines to be necessary
814 to protect the legislative procurement unit;

815 (d) the solicitation specifically prohibits the requested exception or change; or

816 (e) the requested exception or change is not in the best interest of the legislative
817 procurement unit.

818 **Section H-110. Procurement without engaging in a standard procurement**
819 **process.**

820 (1) As provided in Utah Code Section 63G-6a-802(1)(c), a legislative
821 procurement unit may award a contract for a procurement item without engaging in a
822 standard procurement process if:

823 (a)(i)(A) the legislative procurement unit currently purchases a procurement item
824 from a vendor under an existing contract with that vendor; and

825 (B) the procurement item is a continuation or an upgrade of a service regarding
826 which the vendor has specific or unique knowledge or experience, or the vendor has
827 customized the procurement item for the particular needs of the legislative procurement
828 unit; or

829 (ii) the procurement is under other circumstances that the procurement official
830 determines in writing make using a standard procurement process impractical and not
831 in the best interest of the legislative procurement unit;

832 (b) the legislative procurement unit is able to negotiate for the purchase of the
833 procurement item on terms that are favorable to the legislative procurement unit; and

834 (c) in the procurement official's judgment, engaging in a standard procurement
835 process for an award of a contract for the procurement item would not likely result in a
836 contract with materially better terms for the legislative procurement unit.

837 (2) A legislative procurement unit may, without engaging in a standard
838 procurement process, obtain a procurement item under:

839 (a) a state cooperative contract; or

840 (b) any other contract that the Division of Purchasing and General Services
841 makes available to public entities for the purchase of procurement items.

842 **Section H-111. Retention of written determinations.**

843 With respect to any written determination required or allowed under this policy,
844 the procurement official shall retain the written determination in the legislative
845 procurement unit's file relating to the contract.

846 **Section H-112. Limit on notice publication requirement.**

847 A legislative procurement unit is not required to publish notice of:

- 848 (1) a procurement under Section H-110, H-501, or H-502; or
849 (2) a sole source procurement.

850 **Section H-113. Mixed procurement items.**

851 (1) For purposes of applying the provisions of this policy, a procurement official
852 may determine whether a mixed procurement item is to be treated as a standard
853 procurement item or as a professional service procurement item.

854 (2) A procurement official shall make a determination under Subsection (1)
855 based on:

856 (a) the nature of the procurement item; and

857 (b) whether it is in the legislative procurement unit's best interest to treat the
858 procurement item as a standard procurement item or as a professional service
859 procurement item.

860 (3) A procurement official's determination under Subsection (1) is conclusive and
861 final.

862 **Section H-114. Procurement for legal services.**

863 (1) A legislative procurement unit, other than the Office of Legislative Research
864 and General Counsel, may not issue a solicitation, make a procurement, or enter into a
865 contract for legal services.

866 (2) Legal services provided under a contract awarded by the Office of Legislative
867 Research and General Counsel shall be under the control of legislative general
868 counsel, consistent with Utah Constitution, Article VI, Section 32.

869 **Part 2. Bidding Process**

870 **Section H-201. Resolving a tie bid.**

871 (1) This section applies in a bidding process if:

- 872 (a) a tie bid occurs pursuant to an invitation for bids; and

873 (b) the legislative procurement unit intends to move forward with awarding a
874 contract to a responsible bidder.

875 (2) The procurement official of the legislative procurement unit that issued the
876 invitation for bids shall award the contract to the tie bidder who is a Utah resident, if:

877 (a) there is only one tie bidder that is a Utah resident; and

878 (b) the tie bidder indicated in the bidder's bid that the bidder is a Utah resident.

879 (3) If Subsection (2) does not apply, the procurement official may:

880 (a) award the contract to the tie bidder whose bid the procurement official
881 determines will likely have the greatest beneficial economic impact on the state; or

882 (b) resolve the tie bid by tossing a coin or using any other method of randomly
883 selecting one of the tie bidders.

884 **Part 3. Request for Proposals Process**

885 **Section H-301. Application to request for proposals process.**

886 This part applies to a legislative procurement unit's use of the request for
887 proposals process.

888 **Section H-302. Initial review of proposals for compliance with technical** 889 **requirements.**

890 (1) A procurement official may:

891 (a) designate an individual or individuals to conduct an initial review of a proposal
892 to determine whether the proposal is timely and responsive and whether the vendor is
893 responsible; and

894 (b) authorize the individual or individuals to reject a proposal if:

895 (i) the proposal is not timely or responsive; or

896 (ii) from an objective standpoint, it is not reasonable to conclude that the vendor
897 is responsible.

898 (2) A failure to reject a proposal under Subsection (1) does not affect the ability
899 of an evaluation committee or legislative procurement unit to reject a proposal on a
900 basis stated in Subsection (1)(b) or any other appropriate basis.

901 **Section H-303. Evaluation committee process.**

902 (1) At any time before or after the issuance of a solicitation, a procurement
903 official may appoint an evaluation committee to evaluate proposals submitted in
904 response to a solicitation.

905 (2)(a) Subject to Subsection (2)(b), an evaluation committee may evaluate
906 proposals according to any process the evaluation committee considers to be
907 reasonably calculated to allow a thorough, fair, and unbiased evaluation of the
908 proposals by all committee members, including:

909 (i) a separate evaluation of proposals by individual evaluation committee
910 members, followed by a combined evaluation by all committee members together; or

911 (ii) a group evaluation of proposals by all evaluation committee members
912 together.

913 (b) Any discussion by members of an evaluation committee regarding the
914 committee's evaluation of proposals shall be conducted in a manner that allows each
915 member to hear all of the discussion from all other members.

916 (3)(a) Subject to Subsection (3)(b), an evaluation committee shall evaluate a
917 proposal based on:

918 (i) the proposal;

919 (ii) information provided as part of the evaluation process by the vendor who
920 submitted the proposal;

921 (iii) information the evaluation committee obtains from interviews of references
922 provided by the vendor; and

923 (iv) any other information generally available to the public at large.

924 (b) Subsection (3)(a) does not prevent an evaluation committee from using a
925 committee member's personal knowledge about or experience with one or more
926 vendors who have submitted proposals if that knowledge or experience does not impair
927 the committee member's ability to exercise independent and impartial judgment in
928 evaluating proposals.

929 (4)(a) An evaluation committee may interview or cause interviews to be
930 conducted with references provided by vendors.

931 (b) The evaluation committee shall ensure that interviews are conducted and
932 information from interviews compiled in as uniform and fair a manner as practicable.

933 (5)(a) An evaluation committee member who does not attend an evaluation
934 committee meeting at which the committee evaluates proposals is removed from the
935 evaluation committee and may not participate in the evaluation of proposals.

936 (b) Attendance at an evaluation committee meeting may be in person or by
937 electronic means.

938 (6) An evaluation committee member who feels that the member's
939 independence or impartiality has been compromised shall recuse himself or herself
940 from the evaluation committee.

941 (7) An evaluation committee member is not disqualified from serving on an
942 evaluation committee because of:

943 (a) the member's previous experience or history with a vendor whose proposal is
944 being evaluated, unless the member or the evaluation committee concludes that the
945 member's previous experience or history with the vendor impairs the member's ability to
946 exercise independent and impartial judgment in evaluating proposals; or

947 (b) a bias that the evaluation committee develops during the evaluation process
948 because of the quality of a vendor's qualifications, the quality of a proposal, information
949 obtained during the evaluation process, or how well a proposal meets criteria in the
950 solicitation.

951 (8) A procurement official may remove an evaluation committee member from an
952 evaluation committee at any time.

953 (9)(a) In conducting an evaluation of proposals, an evaluation committee shall
954 arrive at a consensus score for each proposal.

955 (b) An evaluation committee may calculate a consensus score by:

956 (i) combining the total of all points given to a proposal by individual committee
957 members;

958 (ii) calculating an average of all the scores given to a proposal by all committee
959 members; or

960 (iii) using any other method the evaluation committee determines to be a fair and
961 accurate way to arrive at a score that reflects the consensus scoring for each proposal.

962 (c) An evaluation committee shall use the same method of calculating a
963 consensus score for each of the proposals being evaluated.

964 (10) An evaluation committee member may change the member's initial scoring
965 during evaluation committee discussions relating to the evaluation of proposals based
966 on the evaluation committee member's further evaluation of proposals in light of the
967 evaluation committee discussion and any other information that becomes available
968 during and as part of the evaluation process.

969 (11) An evaluation committee shall reject a proposal if the evaluation committee
970 determines that:

- 971 (a) the proposal is not responsive; or
972 (b) the proposal is submitted by a person who is not responsible.

973 **Part 4. Approved Vendor List Process**

974 **Section H-401. Method of selecting vendors from an approved vendor list.**

975 A legislative procurement unit that uses the approved vendor list process to
976 select a vendor for an award of a contract shall select a vendor from the approved
977 vendor list by a random selection method or any other method that ensures that all
978 vendors on the approved vendor list have a fair and equitable opportunity to be
979 awarded contracts.

980 **Part 5. Small Purchases**

981 **Section H-501. Small purchase using any method.**

982 A legislative procurement unit may make a procurement by following any method
983 the procurement official considers to be adequate and reasonable if the procurement:

984 (1)(a) is of one or more standard procurement items, no one of which costs more
985 than \$7,500; and

986 (b) does not cause the procurement unit to exceed a threshold under Section H-
987 503; or

988 (2) is of a professional service procurement item costing no more than \$50,000
989 per year.

990 **Section H-502. Small purchase using competitive quotes.**

991 (1) A legislative procurement unit may make a procurement by following the
992 method described in Subsection (2) if the procurement:

993 (a)(i) is of one or more standard procurement items, no one of which costs more
994 than \$50,000; and

995 (ii) does not cause the procurement unit to exceed a threshold under Section H-
996 503; or

997 (b) is of a professional service procurement item costing no more than \$100,000
998 per year.

999 (2)(a) For a procurement described in Subsection (1), a legislative procurement
1000 unit shall:

1001 (i) obtain at least two competitive quotes from vendors of the procurement item
1002 or items; and

1003 (ii) subject to Subsection (2)(b), accept the lowest acceptable quote and
1004 purchase the procurement item or items from the responsible vendor giving the lowest
1005 acceptable quote.

1006 (b) Subsection (2)(a)(ii) does not prohibit a legislative procurement unit from:

1007 (i) accepting a quote other than the lowest quote and purchasing the
1008 procurement item or items from the responsible vendor giving a quote other than the
1009 lowest quote if the procurement official determines that factors other than cost are
1010 important to consider in making the selection that is most advantageous to the
1011 legislative procurement unit;

1012 (ii) rejecting all quotes and abandoning the procurement; or

1013 (iii) repeating the process under Subsection (2)(a) with quotes from different
1014 vendors.

1015 **Section H-503. Small purchase thresholds.**

1016 With respect to a legislative procurement unit's procurement of standard
1017 procurement items under this part:

1018 (1) the single procurement aggregate threshold is:

1019 (a) \$50,000 for a procurement under Section H-501; and

1020 (b) \$150,000 for a procurement under Section H-502; and

1021 (2) the annual cumulative threshold is \$200,000.

1022 **Section H-504. Exceeding a limit or threshold.**

1023 (1) Notwithstanding any other provision of this part, a legislative procurement unit
1024 may exceed a limit under Subsection H-501(1)(a) or H-502(1)(a)(i), the single
1025 procurement aggregate threshold, or the annual cumulative threshold if the
1026 procurement official:

1027 (a) concludes that exceeding the limit or threshold is in the best interest of the
1028 legislative procurement unit; and

1029 (b) provides a written authorization to exceed the limit or threshold.

1030 (2) A written authorization under Subsection (1) shall state the reasons for
1031 exceeding the limit or threshold, including an explanation of why exceeding the limit or
1032 threshold is in the best interest of the legislative procurement unit.

1033

Part 6. Sole Source Procurement

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Section H-601. Contesting a sole source procurement.

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(1) This section applies to a sole source procurement for which a legislative procurement unit has elected to publish notice as provided in Section 63G-6a-112.

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(2) As provided in Subsection (3), a person who claims to be another viable source for a procurement item over \$50,000 that a legislative procurement unit proposes to purchase through a sole source procurement process may contest the sole source procurement on the basis that the vendor with which the legislative procurement unit proposes to enter into a contract for the purchase of the procurement item is not the sole source for the procurement item.

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(3) A person submitting a contest under Subsection (2) shall submit the contest in writing:

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(a) within 15 calendar days after the first day of the publication of notice under Section 63G-6a-112; and

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(b) to the procurement official of the legislative procurement unit.

1048

(4) A contest under this section shall:

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(a) contain the name, business address, business telephone number, and email address of the person submitting the contest;

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(b) contain a detailed explanation of the basis for the contest; and

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(c) be accompanied by any documentation on which the person relies to show that the person is another viable source for the procurement item.

1053

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(5)(a) Within 20 calendar days after receiving a timely contest under this section, the procurement official shall make a determination in writing on the contest and send a copy of the determination to the person who submitted the contest.

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(b) A legislative procurement unit may not continue a sole source procurement process that is the subject of a timely contest under this section unless the procurement official determines that the contest is without merit.

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(6) A person who fails to contest a sole source procurement as provided in this section is barred from challenging the sole source procurement.

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Part 7. Contracts

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Section H-701. Contract award subject to successful negotiation of contract terms.

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- 1065 (1) A legislative procurement unit's award of a contract pursuant to a solicitation
1066 is subject to the successful negotiation of contract terms that are:
- 1067 (a) consistent with:
 - 1068 (i) the solicitation; and
 - 1069 (ii) the legislative procurement unit's standard terms and conditions, except to the
1070 extent an exception is approved under Section H-109; and
 - 1071 (b) acceptable to the legislative procurement unit as being in the best interest of
1072 the legislative procurement unit.
- 1073 (2) If a legislative procurement unit and the vendor that is awarded a contract
1074 pursuant to a solicitation are unable to agree to contract terms within a reasonable
1075 period of time, as determined by the procurement official, the legislative procurement
1076 unit may:
- 1077 (a)(i) vacate the award of a contract to that vendor; and
 - 1078 (ii) award the contract to the responsible vendor with the next-highest scoring
1079 solicitation response;
 - 1080 (b)(i) reissue the solicitation and repeat the procurement process; or
 - 1081 (ii) issue a new solicitation and begin a new procurement process; or
 - 1082 (c) cancel or postpone the procurement.

1083 **Section H-702. Technology Modifications.**

1084 A contract may be modified to accommodate new technology if:

- 1085 (1) the solicitation that resulted in the contract contains a provision indicating that
1086 the contract would be subject to modification to accommodate new technology;
- 1087 (2) the contract contains a provision indicating the contract is subject to
1088 modification to accommodate new technology; and
- 1089 (3) the modification is substantially within the scope of the original solicitation
1090 and contract.

1091 **Section H-703. Electronic signatures on contracts.**

- 1092 (1) A legislative procurement unit or vendor signature on a contract awarded by a
1093 legislative procurement unit may be an electronic signature if the electronic signature is:
- 1094 (a) unique to and under the sole control of the individual signing the contract; and
- 1095 (b) created using a mechanism that:
- 1096 (i) verifies the origin of the electronic signature; and
- 1097 (ii) links the data in the contract to the electronic signature in a manner that

1098 invalidates the electronic signature if any of the data is changed.

1099 (2) A legislative procurement unit may determine the manner of affixing an
1100 electronic signature to a contract, including which software or format is acceptable to
1101 the legislative procurement unit to ensure that an electronic signature meets the criteria
1102 of Subsection (1).

1103 **Legislative Management Committee Policy I -- Use of Legislative Resources**

1104 (Adopted December 9, 2024)

1105 **Part 1. General Provisions**

1106 **Section I-101. Purpose.**

1107 This policy replaces and supersedes the policy approved by the Legislative
1108 Management Committee on June 12, 2019, titled "Personal Use of Public Property."

1109 **Section I-102. Definitions.**

1110 As used in this policy:

1111 (1) "Access code" means a code, password, or other unique information that a user is
1112 required to provide to gain access to a database resource.

1113 (2) "Business purpose" means a purpose related to work performed within the course
1114 and scope of a legislative individual's work in the capacity as a legislative individual.

1115 (3) "Cellular device" means an electronic legislative device that allows the user to
1116 communicate with other electronic devices using cellular service.

1117 (4) "Database resource" means:

1118 (a) electronic information that is created, maintained, or stored by a legislative unit in
1119 connection with the work of the legislative unit;

1120 (b) artificial intelligence used in connection with the work of a legislative unit; and

1121 (c) an online subscription, software package, or other software application used to
1122 access, create, manipulate, store, transmit, or otherwise manage electronic information or
1123 artificial intelligence used in connection with the work of a legislative unit.

1124 (5) "De minimus" means a level at which the administrative burden or cost to account for
1125 and recover the value of using an electronic legislative device would be unreasonable or
1126 impractical in comparison to the benefit of accounting for and recovering the value of using the
1127 electronic legislative device.

1128 (6)(a) "Electronic legislative device" means a computer, printer, monitor, phone, tablet,
1129 or other electronic device that is owned by a legislative unit.

1130 (b) "Electronic legislative device" includes a service, including cellular service, to
1131 operate, maintain, or support a computer, printer, monitor, phone, tablet, or other electronic
1132 device that is owned by a legislative unit.

1133 (7) "Incidental personal use" means personal use of an electronic legislative device that
1134 is authorized under Section I-301.

1135 (8) "IT group" means the group of individuals within legislative services that provides
1136 information technology services to legislative units.

1137 (9)(a) "Legislative employee" means an individual who is employed by a legislative unit,

1138 including a legislative intern.
1139 (b) "Legislative employee" does not include a legislator.
1140 (10) "Legislative individual" means:
1141 (a) a legislator; or
1142 (b) a legislative employee.
1143 (11) "Legislative services" means the Office of Legislative Services created in Section
1144 D-201 of Legislative Management Committee - Legislative Services.
1145 (12) "Legislative unit" means:
1146 (a) the Legislature;
1147 (b) the Senate;
1148 (c) the House of Representatives;
1149 (d) the Office of Legislative Research and General Counsel;
1150 (e) the Office of the Legislative Fiscal Analyst;
1151 (f) the Office of the Legislative Auditor General; or
1152 (g) legislative services.
1153 (13) "Office equipment" means a printer, copier, fax machine, or other machine that is:
1154 (a) owned or leased by a legislative unit;
1155 (b) located at the legislative unit's physical location; and
1156 (c) available for business use by legislative individuals working at the legislative unit's
1157 physical location.

1158 **Section I-103. Acceptable use policy.**

1159 (1) Legislative services may establish an acceptable use policy to govern a legislative
1160 individual's use of an electronic legislative device and a database resource.
1161 (2) An acceptable use policy under Subsection (1):
1162 (a) shall be consistent with this policy; and
1163 (b) may include provisions not explicitly provided in this policy but that are reasonable
1164 requirements and protocols applicable to the use of an electronic legislative device or a
1165 database resource.

1166 **Part 2. Use of Electronic Legislative Device**

1167 **Section I-201. Requirements relating to the use of an electronic legislative device.**

1168 (1) A legislative unit may provide an electronic legislative device, including a cellular
1169 device as provided in Subsection (2), to a legislative individual, as provided in this section, for
1170 use for business purposes and for incidental personal use.
1171 (2) A legislative individual who is provided an electronic legislative device shall:
1172 (a) make reasonable efforts to protect, safeguard, and preserve the electronic legislative

- 1173 device;
- 1174 (b) comply with all guidelines established by legislative services governing the
- 1175 possession, use, or security of the electronic legislative device;
- 1176 (c) promptly report any security breach of the electronic legislative device to:
- 1177 (i) the legislative unit that provides the electronic legislative device to the legislative
- 1178 individual; and
- 1179 (ii) the individual or team that legislative services designates to address a security
- 1180 breach within the legislative branch;
- 1181 (d) before receiving the electronic legislative device, enter into an agreement, as
- 1182 provided in Section I-203, governing the legislative individual's receipt and use of the electronic
- 1183 legislative device; and
- 1184 (e) comply with the requirements of the agreement referred to in Subsection (2)(d).

1185 **Section I-202. Providing a cellular device -- Allowance in lieu of providing a**

1186 **cellular device.**

1187 (1) A legislative unit may provide a cellular device to a legislative individual if the

1188 legislative unit determines that:

1189 (a) the legislative unit needs to be able to contact the legislative individual for business

1190 purposes;

1191 (b) the legislative unit requires the legislative individual to be reasonably available to

1192 communicate with the legislative unit or others for business purposes;

1193 (c) the legislative unit needs the legislative individual to be able to communicate for

1194 business purposes:

1195 (i) with individuals located in other time zones; or

1196 (ii) at times outside the legislative individual's normal work day; and

1197 (d) the most cost-effective and efficient means of enabling the legislative individual to

1198 communicate for business purposes as needed is to provide the legislative individual a cellular

1199 device.

1200 (2)(a) In lieu of providing a cellular device to a legislative individual, a legislative unit may

1201 pay a legislative individual an allowance to reimburse the legislative individual the cost of

1202 acquiring cellular service for a cellular device owned by the legislative individual and used for

1203 business purposes.

1204 (b) The amount of the allowance under Subsection (2)(a):

1205 (i) shall be set by the Legislative Services Management Council;

1206 (ii) subject to Subsection (2)(b)(iii), shall be consistent with the comparable amount for

1207 providing cellular service to a cellular device that a legislative unit provides to a legislative

1208 individual for business purposes; and

1209 (iii) may not exceed the actual cost of the cellular service to the cellular device owned by

1210 the legislative individual.

1211 **Section I-203. Agreement for receipt and use of electronic legislative device.**

1212 (1) A legislative unit may not provide an electronic legislative device to a legislative
1213 individual until after the legislative individual signs an agreement relating to the receipt and use
1214 of the electronic legislative device.

1215 (2) An agreement referred to in Subsection (1) shall:

1216 (a) require the legislative individual to use the electronic legislative device primarily for
1217 business purposes;

1218 (b) prohibit the legislative individual from divulging or making known the legislative
1219 individual's access code;

1220 (c) prohibit the legislative individual from using the electronic legislative device to:

1221 (i) distribute an offensive, disparaging, or harassing statement in violation of state or
1222 federal antidiscrimination law or Legislative Management Committee Policy E -- Legislative
1223 Workplace Discrimination Prevention;

1224 (ii) distribute information that describes or promotes illegal use of weapons or devices,
1225 including weapons or devices associated with terrorist activities;

1226 (iii) view, transmit, retrieve, save, print, or solicit sexually explicit messages or images,
1227 unless necessary to fulfill a duty or responsibility directly within the course and scope of the
1228 legislative individual's employment;

1229 (iv) violate any local, state, or federal law;

1230 (v) represent the legislative individual as someone else, including a fictional or real
1231 individual;

1232 (vi) knowingly or recklessly spread a computer virus;

1233 (vii) create and distribute or redistribute junk electronic communications from the
1234 legislative individual's state email account, including a chain letter or unauthorized
1235 advertisement or solicitation; or

1236 (viii) knowingly compromise the confidentiality, integrity, or availability of an information
1237 resource of the state;

1238 (d) require the legislative individual to pay for any personal use of the electronic
1239 legislative device that increases the cost of any standard service provided for the electronic
1240 legislative device;

1241 (e) require the legislative individual to report immediately the loss or theft of an
1242 electronic legislative device;

1243 (f) require the legislative individual to acknowledge that business or personal data on the
1244 electronic legislative device may be subject to review and disclosure in response to a record
1245 request under Title 63G, Chapter 2, Government Records Access and Management Act, and
1246 Legislative Management Committee Policy L -- Legislative Records, a subpoena, or a court

1247 order;

1248 (g) require the legislative individual to acknowledge that the legislative individual has no

1249 expectation of privacy regarding data stored on or a communication made with an electronic

1250 legislative device provided to the legislative individual for use for business purposes or the

1251 legislative individual's personal use;

1252 (h) require compliance with other requirements stated in Subsection I-201(2);

1253 (i) for a cellular device, require the legislative individual to agree that the phone number

1254 associated with the cellular device may be published in one or more directories made available

1255 for legislators and legislative employees; and

1256 (j) include any other terms, conditions, or requirements the legislative unit considers

1257 necessary or appropriate.

1258 **Part 3. Personal Use of Electronic Legislative Device**

1259 **Section I-301. Authorized personal use of electronic legislative devices.**

1260 A legislative individual's personal use of an electronic legislative device is authorized, for

1261 purposes of Utah Code Section 76-8-402, if:

- 1262 (1) the primary purpose of the legislative individual's use of the electronic legislative
- 1263 device is a business purpose;
- 1264 (2) the legislative individual uses the electronic legislative device for business purposes;
- 1265 (3) any additional cost to a legislative unit from the legislative individual's personal use
- 1266 of the electronic legislative device:
- 1267 (a) is de minimus, as determined by the legislative unit;
- 1268 (b) results from wear and tear from normal use of the electronic legislative device; or
- 1269 (c) is not de minimus and is reimbursed to the legislative unit by the legislative
- 1270 individual; and
- 1271 (4) the personal use:
- 1272 (a) does not involve actions that are intended to harm or otherwise disadvantage the
- 1273 legislative unit;
- 1274 (b) does not disrupt or distract from the legislative individual's conduct of business for
- 1275 the legislative unit due to volume, timing, or frequency; and
- 1276 (c) is not otherwise prohibited by law, rule, or policy.

1277 **Part 4. Personal Use of Office Equipment**

1278 **Section I-401. Personal use of office equipment -- Payment for excess usage.**

1279 A legislative employee:

- 1280 (1) may use office equipment for occasional personal use if the usage does not exceed

1281 the level established by the legislative unit that employs the legislative employee; and
1282 (2) shall pay the legislative unit for any usage of office equipment that exceeds the level
1283 established by the legislative unit, at a rate established by the Legislative Services Management
1284 Council.

1285 **Part 5. Use of Database Resources**

1286 **Section I-501. Access to and use of database resources.**

1287 (1) To access a database resource, a legislative individual shall:
1288 (a) have first received proper authorization to access a database resource; and
1289 (b) use methods approved by the IT group for accessing a database resource remotely.
1290 (2) In using a database resource, a legislative individual shall:
1291 (a) log out of a remote session and disconnect from the network when the device being
1292 used to access a database resource is unattended; and
1293 (b) take all reasonable action to:
1294 (i) prevent an unauthorized access to a database resource, including locking and
1295 securing an electronic device used by the legislative individual to conduct legislative business
1296 when the device is not in use;
1297 (ii) protect sensitive and confidential legislative data; and
1298 (iii) protect the legislative individual's account credentials, including access code.
1299 (3) A legislative individual may not:
1300 (a) disclose, copy, or transmit data obtained in the course and scope of the legislative
1301 individual's work as a legislative individual to an individual or entity that is not authorized to
1302 receive the data; or
1303 (b) knowingly or recklessly introduce, distribute, or use malicious software, including a
1304 virus, worm, Trojan, or other harmful code into a legislative system or network.
1305 (4) While using an electronic legislative device or a database resource, a legislative
1306 individual:
1307 (a) shall:
1308 (i) use professional and respectful communication;
1309 (ii) ensure that the legislative individual's action or statement does not reflect negatively
1310 on or compromise the reputation of the Legislature; and
1311 (iii) use only third-party services, software, application, or artificial intelligence that
1312 complies with standards established by legislative services; and
1313 (b) may not:
1314 (i) transmit offensive, defamatory, harassing, or other inappropriate content; or
1315 (ii) state or imply that the legislative individual represents a legislative unit or the official
1316 position of the legislative unit without explicit authorization.

1317 **Section I-502. Agreement to access database resources.**

1318 (1) Legislative services shall prepare an agreement governing a legislative individual's
1319 access to and use of a database resource,

1320 (2) After legislative services prepares an agreement as provided in Subsection (1), a
1321 legislative unit shall require a legislative individual to sign the agreement before gaining access
1322 to a database resource.

1323 (3) An agreement under Subsection (1) shall include provisions requiring a legislative
1324 individual to:

1325 (a) comply with applicable requirements under Section I-501;

1326 (b) comply with an acceptable use policy established under Section I-103;

1327 (c) acknowledge that a legislative unit may monitor, access, and review an information
1328 system, data, or network traffic for compliance with applicable requirements; and

1329 (d) acknowledge that a violation of the agreement may subject the individual to
1330 disciplinary action, including account suspension, revocation of access privileges, legal action,
1331 or, for a legislative employee, termination of employment or other employment disciplinary
1332 action.

1333 **Legislative Management Committee Policy J -- Disposal of Surplus Property**
1334 (Adopted 6-19-2019)
1335 (Amended 12-9-2024)

1336 **Part 1. General Provisions**

1337 **Section J-101. Purpose.**

1338 This policy governs the disposal of surplus property that is owned by a legislative unit.

1339 **Section J-102. Definitions.**

1340 As used in this policy:

1341 (1) "Designated officer" means:

1342 (a) for the Legislature, the Chief of Staff of the House and the Chief of Staff of the
1343 Senate, jointly, or an individual designated jointly by the Chief of Staff of the House and the
1344 Chief of Staff of the Senate;

1345 (b) for the House of Representatives, the Chief of Staff of the House, or the Chief of
1346 Staff's designee;

1347 (c) for the Senate, the Chief of Staff of the Senate, or the Chief of Staff's designee;

1348 (d) for the Office of the Legislative Fiscal Analyst, the legislative fiscal analyst or the
1349 legislative fiscal analyst's designee;

1350 (e) for the Office of the Legislative Auditor General, the legislative auditor general or the
1351 legislative auditor general's designee;

1352 (f) for the Office of Legislative Research and General Counsel, the director of the Office
1353 of Legislative Research and General Counsel, or the director's designee; and

1354 (g) for the Office of Legislative Services, the executive officer of the Office of Legislative
1355 Services or the executive officer's designee.

1356 (2) "Fair market value" means the value at which the surplus property may be sold on
1357 the open market, as determined by the designated officer, based on:

1358 (a) Internet research;

1359 (b) discussions with a person who is knowledgeable regarding the value of the surplus
1360 property; or

1361 (c) any other reasonable means selected by the designated officer.

1362 (3) "Legislative unit" means the Legislature, the House of Representatives, the Senate,
1363 or a staff office of the Legislature.

1364 (4) "Surplus property" means an item of personal property that:

1365 (a) is owned by a legislative unit;

1366 (b) has a fair market value of \$50 or more; and

1367 (c) the designated officer has determined to:

- 1368 (i) be no longer used or usable by the legislative unit;
- 1369 (ii) be obsolete;
- 1370 (iii) be damaged and not capable of being repaired or not capable of being repaired at a
- 1371 cost that is economically feasible in light of the property's value;
- 1372 (iv) have exceeded its useful life; or
- 1373 (v) be no longer required to meet the needs or responsibilities of the legislative unit.

1374 **Part 2. Disposal of Surplus Property**

1375 **Section J-201. Disposal of surplus property -- Methods of disposal.**

- 1376 (1) A legislative unit may dispose of surplus property by:
- 1377 (a) selling the surplus property at fair market value;
- 1378 (b) trading the surplus property for goods or services with a comparable fair market
- 1379 value;
- 1380 (c) destroying the surplus property, if the designated officer determines that the surplus
- 1381 property should be destroyed for security or safety reasons;
- 1382 (d) donating the surplus property to a charitable organization; or
- 1383 (e) disposing of the surplus property in any way the designated officer determines
- 1384 reasonable to maximize the legislative unit's recovery of any remaining value from the surplus
- 1385 property or to minimize the cost of disposing of the surplus property.
- 1386 (2) A legislative unit that decides to sell surplus property under this policy may sell the
- 1387 surplus property, for fair market value, to a legislative employee.
- 1388 (3)(a) This policy does not govern:
- 1389 (i) a legislative unit's routine discarding or other disposal of obsolete or unneeded office
- 1390 supplies or similar materials in the ordinary course of the legislative unit's business; or
- 1391 (ii) a legislative unit's disposal of an item of personal property with a fair market value
- 1392 under \$50.
- 1393 (b) A legislative unit may discard or dispose of an item of personal property described in
- 1394 Subsection(3)(a) in any manner the designated officer considers appropriate.

1395 **Part 3. Records**

1396 **Section J-301. Record keeping.**

- 1397 (1) A legislative unit that disposes of surplus property under this policy shall, for at least
- 1398 three years from the day on which the surplus property is disposed of, keep a record of the
- 1399 disposal of the surplus property as provided in this section.
- 1400 (2) The record described in Subsection (1) shall include:
- 1401 (a) a description of the surplus property disposed of;

- 1402 (b) a description of the manner of disposal;
- 1403 (c) if the surplus property is sold or traded:
- 1404 (i) the fair market value of the surplus property at the time it was sold or traded;
- 1405 (ii) a description of the method used to determine the fair market value;
- 1406 (iii) the amount for which the surplus property was sold or a description of the property
- 1407 for which the surplus property was traded;
- 1408 (iv) the name of the person or entity to whom the surplus property was sold or traded;
- 1409 and
- 1410 (v) the date on which the surplus property was sold or traded; and
- 1411 (d) if the surplus property is destroyed:
- 1412 (i) the method by which it was destroyed;
- 1413 (ii) a description of the security or safety reason for which it was destroyed; and
- 1414 (iii) the date on which the surplus property was destroyed.

1415 **Part 4. Proceeds of Sale**

1416 **Section J-401. Proceeds of sale of surplus property.**

1417 (1) If surplus property is sold under this policy, the money received in exchange for the

1418 surplus property shall be paid to the legislative unit that originally purchased the surplus

1419 property.

1420 (2) A legislative unit to which the money described in Subsection (1) is paid may use the

1421 money for any expenses of the legislative unit.

1422 **Legislative Management Committee Policy L -- Legislative Records**

1423 (Adopted December 16, 2020)

1424 (Amended December 7, 2021)

1425 (Amended December 13, 2022)

1426 (Amended April 12, 2023)

1427 (Amended December 9, 2024)

1428 Part 1. General Provisions

1429 **Section L-101. Basis of policy -- Superseding previous policies.**

1430 (1) This policy is adopted pursuant to Utah Code Section 63G-2-703, which broadly
1431 gives the Legislature, through the Legislative Management Committee, authority to establish
1432 policies relating to "requests for classification, designation, fees, access, denials, segregation,
1433 appeals, management, retention, and amendment of records" and to establish "an appellate
1434 board to hear appeals from denials of access."

1435 (2) This policy supersedes and replaces the Utah Legislature Policies and Procedures
1436 for Handling Records Requests and any other previous policy relating to legislative records.

1437 **Section L-102. Definitions.**

1438 As used in this policy:

1439 (1)(a) "Accepted record request" means a record request:

1440 (i) that is not rejected under Section L-203 or L-205; and

1441 (ii) for which the requester has paid the applicable filing fee, if the record request is an
1442 out-of-state request or an over-the-threshold request.

1443 (b) "Accepted record request" does not include a record request that a legislative office
1444 is not required to respond to or fill under GRAMA or this policy.

1445 (2)(a) "Access denial" means a legislative office's denial of access to a record:

1446 (i) based on the record's classification as private, controlled, or protected; or

1447 (ii) because access to the record is limited pursuant to a court order or rule, another
1448 state statute, or federal statute or regulation.

1449 (b) "Access denial" does not include:

1450 (i) a legislative office's failure to provide access to a record because:

1451 (A) the legislative office does not retain the record;

1452 (B) the legislative office does not retain a record that is responsive to the request; or

1453 (C) under GRAMA or this policy, the legislative office is not required to respond to or fill
1454 the record request;

1455 (ii) the rejection of a record request under Section L-203 or L-205;

1456 (iii) a legislative office's not accepting a record request under Subsection L-203(3)

1457 because the record request is not accompanied by the applicable filing fee; or
1458 (iv) the denial of a fee waiver request.
1459 (3) "Business day" means a day other than Saturday, Sunday, or a state or federal
1460 holiday.
1461 (4) "Chief officer" means:
1462 (a) for the Senate, the president of the Senate or the president's designee;
1463 (b) for the House of Representatives, the speaker of the House of Representatives or
1464 the speaker's designee;
1465 (c) for the Office of Legislative Research and General Counsel, the director of the Office
1466 of Legislative Research and General Counsel or the director's designee;
1467 (d) for the Office of the Legislative Fiscal Analyst, the Legislative Fiscal Analyst or the
1468 Legislative Fiscal Analyst's designee;
1469 (e) for the Office of the Legislative Auditor General, the Legislative Auditor General or
1470 the Legislative Auditor General's designee; or
1471 (f) for the Office of Legislative Services, the executive officer of the Office of Legislative
1472 Services.
1473 (5) "Complimentary time" means staff time that a legislative office:
1474 (a) spends in responding to an in-state request; and
1475 (b) does not charge a fee for, consistent with the fee schedule attached to this policy as
1476 Appendix B.
1477 (6) "Confidential business record" means a record:
1478 (a) described in Utah Code Subsection 63G-2-305(1) or (2);
1479 (b) for which a legislative office receives a written statement as provided in Subsection
1480 L-103(2); and
1481 (c) that the legislative office classifies as protected.
1482 (7) "Controlled" means a classification given to a record based on Utah Code Section
1483 63G-2-304.
1484 (8) "Effective filing date" is the date on which a record request that is not rejected under
1485 Section L-203 or L-205 is received by the records coordinator.
1486 (9) "Fee waiver denial override request" means a request under Subsection L-302(9)
1487 asking for the denial of a fee waiver request to be overridden.
1488 (10) "Fee waiver request" means a request under Section L-302 for the waiver of a
1489 response fee.
1490 (11) "Governmental entity" means the same as that term is defined in Section 63G-2-
1491 103.
1492 (12) "GRAMA" means Utah Code Title 63G, Chapter 2, Government Records Access
1493 and Management Act.
1494 (13) "Individual" means a human being.

1495 (14) "In-state request" means a record request submitted by an in-state resident.
1496 (15) "In-state resident" means a person:
1497 (a) who, if an individual, is a legal resident of the state or is domiciled in the state; or
1498 (b) that, if a person other than an individual, has its principal place of business or
1499 principal operations in the state.
1500 (16)(a) "Legislative office" means:
1501 (i) the Senate;
1502 (ii) the House of Representatives;
1503 (iii) the Office of Legislative Research and General Counsel;
1504 (iv) the Office of the Legislative Fiscal Analyst;
1505 (v) the Office of the Legislative Auditor General; or
1506 (vi) the Office of Legislative Services.
1507 (b) "Legislative office" does not include:
1508 (i) a political party, group, or caucus; or
1509 (ii) a rules or sifting committee of the Legislature.
1510 (17) "Legislative Records Committee" means a committee comprised of the president
1511 and minority leader of the Senate and the speaker and minority leader of the House of
1512 Representatives.
1513 (18)(a) "Media outlet" means a bona fide newspaper, magazine, or broadcast media
1514 enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of
1515 providing news and information to the general public.
1516 (b) "Media outlet" does not include a blog, podcast, social media account, or other
1517 means of mass communication generally available to a member of the public.
1518 (19) "Over-the-threshold request" means an in-state request submitted by a person,
1519 other than a Utah media outlet or an individual employed by and acting on behalf of a Utah
1520 media outlet, to a legislative office:
1521 (a) in a calendar month during which the person has already submitted two record
1522 requests to that legislative office; or
1523 (b) in a calendar year during which the person has already submitted six record requests
1524 to that legislative office.
1525 (20) "Out-of-state request" means a record request submitted by a person other than
1526 an in-state resident.
1527 (21) "Person" means the same as that term is defined in Utah Code Section 63G-2-103.
1528 (22) "Private" means a classification given to a record based on Utah Code Section
1529 63G-2-303 or 63G-2-304.
1530 (23) "Protected" means a classification given to a record based on Utah Code Section
1531 63G-2-305 or other applicable law.
1532 (24) "Public" means a classification given to a record:

1533 (a) that is not classified as controlled, private, or protected; and
1534 (b) access to which is not limited pursuant to a court order or rule, another state statute,
1535 or federal statute or regulation.

1536 (25) "Record" means the same as that term is defined in Utah Code Section 63G-2-
1537 103.

1538 (26) "Record request" means a written request seeking access to a record.

1539 (27) "Record request nonresponse" means a records coordinator's lack of response to
1540 an accepted record request within the time provided in Subsection L-204(2).

1541 (28) "Records coordinator" means:
1542 (a) an individual designated by the Legislative Management Committee to perform the
1543 functions and duties of the records coordinator under this policy, if the Legislative Management
1544 Committee designates an individual to perform those functions and duties for all legislative
1545 offices; or
1546 (b) an individual designated for each legislative office by that legislative office's chief
1547 officer to perform the functions and duties of the records coordinator under this policy, if the
1548 Legislative Management Committee does not designate an individual to perform those functions
1549 and duties for all legislative offices.

1550 (29) "Requester" means a person who submits a record request to a records coordinator
1551 as provided in this policy.

1552 (30) "Response fee" means the total of all fees described in Appendix B that a
1553 legislative office is authorized or required to charge a requester for responding to a record
1554 request, other than a filing fee described in Appendix B for an over-the-threshold request or out-
1555 of-state request.

1556 (31) "Review officer" means:
1557 (a) an individual designated by the Legislative Management Committee to review access
1558 denials, record request nonresponses, and fee waiver denial override requests for all legislative
1559 offices, if the Legislative Management Committee designates an individual to perform those
1560 functions for all legislative offices; or
1561 (b) an individual designated for each legislative office by that legislative office's chief
1562 officer to review access denials, record request nonresponses, and fee waiver denial override
1563 requests for that legislative office, if the Legislative Management Committee does not designate
1564 an individual to perform those functions for all legislative offices.

1565 (32) "Review request" means a request described in Section L-401 seeking review of a
1566 records coordinator's access denial or a record request nonresponse as part of an overall
1567 appeal process.

1568 **Section L-103. Record classification.**

1569 (1)(a) A legislative office is not required to classify a record before receiving and

1570 responding to an accepted record request for that record.

1571 (b) As provided in GRAMA and this policy, a legislative office may classify a record as
1572 public, private, controlled, or protected.

1573 (2)(a) A legislative office classifies or reclassifies a record through the legislative office's
1574 records coordinator, review officer, or chief officer, as provided in this Subsection (2).

1575 (b) Upon receiving a record request, a records coordinator may classify a record on
1576 behalf of the legislative office to which the record request was submitted.

1577 (c) A review officer may:

1578 (i) classify a record that is the subject of a review request, if the records coordinator has
1579 not previously classified the record; or

1580 (ii) reclassify a record that is the subject of the review request, if the records coordinator
1581 has previously classified the record.

1582 (d)(i) A chief officer may classify or reclassify, or may direct a records coordinator or
1583 review officer to classify or reclassify, a record on behalf of the chief officer's legislative office at
1584 any time.

1585 (ii) A chief officer's classification or reclassification of a record supersedes a
1586 classification of the record made by a records coordinator or review officer.

1587 (3) A legislative office may classify a record as protected under Utah Code Subsection
1588 63G-2-305(1) or (2) if the person from whom the legislative office receives the record provides
1589 with the record a written statement:

1590 (a) that identifies the record as a trade secret or commercial or nonindividual financial
1591 information under Utah Code Subsection 63G-2-305(1) or (2);

1592 (b) that includes a concise explanation of the reasons supporting the statement that the
1593 record is a trade secret or commercial or nonindividual financial information under Utah Code
1594 Subsection 63G-2-305(1) or (2);

1595 (c) in which the person:

1596 (i) releases the Legislative Records Committee, the Legislature, and all members, staff,
1597 and employees of the Legislature from any and all responsibility, claims, liability, and damages
1598 resulting or arising from a release of the record under Subsection L-505(1)(b)(iii);

1599 (ii) covenants not to sue or otherwise assert a claim against the Legislative Records
1600 Committee, the Legislature, or any member, staff, or employee of the Legislature if the suit or
1601 claim is based in any way on a release of the record under Subsection L-505(1)(b)(iii); and

1602 (iii) agrees to protect, defend, and indemnify the legislative office that retains the record,
1603 the Legislature, and all members, staff, and employees of the Legislature from and against any
1604 claims, liability, or damages resulting or arising from a denial of access to the record as a
1605 protected record.

1606 (4) A legislative office may classify a draft of legislation as a protected record based on
1607 its status as a draft even though the sponsor makes or directs the making of a limited

1608 distribution of the draft for the purpose of allowing review of and receiving comment on the draft
1609 as part of the sponsor's deliberative process in connection with the preparation of legislation.

1610 (5) A legislative office may classify as private, controlled, or protected information
1611 contained in a record otherwise classified as public if the information reveals the content of a
1612 record classified as private, controlled, or protected.

1613 (6)(a) Subject to Subsection (6)(b), the Legislative Records Committee may reclassify a
1614 record that is the subject of an appeal under Part 5, Appeal to Legislative Records Committee.

1615 (b)(i) The Legislative Records Committee may reclassify a confidential business record
1616 as public only with the approval of the person who submitted the record.

1617 (ii) Subsection (6)(b)(i) does not prevent the Legislative Records Committee from
1618 releasing a confidential business record as provided in Subsection L-505(1)(b)(iii).

1619 **Section L-104. Record retention.**

1620 (1) The retention schedule attached as Appendix A is incorporated into this policy and
1621 governs a legislative office's retention and disposal of records, subject to the allocation of
1622 retention responsibility under Subsection (3).

1623 (2)(a) A specified period of time provided for a record in the retention schedule means
1624 that a legislative office:

1625 (i) is required to retain the record for the specified period of time, subject to Subsection
1626 (3)(c); and

1627 (ii) may dispose of the record after the expiration of the specified period of time.

1628 (b) A legislative office:

1629 (i) is not required to dispose of a record upon the expiration of the specified period of
1630 time provided for that record in the retention schedule; and

1631 (ii) may continue to retain the record for as long as the legislative office has an
1632 administrative need for the record.

1633 (3)(a) The legislative office that generates or produces a record is responsible for, as
1634 applicable:

1635 (i) the retention of the record in accordance with this section and the retention schedule;
1636 or

1637 (ii) the transmission of the record to the Division of Archives for the record's retention
1638 and preservation by the Division of Archives, as provided in Utah Code Section 63A-12-102.5.

1639 (b) With respect to a record not described in Subsection (3)(a), the chiefs of staff of the
1640 Senate and House of Representatives and the directors of the legislative staff offices shall
1641 consult together and allocate responsibility and implement any protocol or process necessary to
1642 ensure the retention of records according to this section and the retention schedule.

1643 (c) A legislative office may:

1644 (i) retain and preserve a record for the period of time specified under Appendix A; or

1645 (ii) transmit a record to the Division of Archives for retention and preservation as
1646 provided in Utah Code Section 63A-12-102.5.

1647 (4) Retention of a record may be by any means, including electronic, that allows access
1648 to and retrieval of the record in essentially its original format.

1649 **Section L-105. When a record request, fee waiver denial override request, review**
1650 **request, or notice of appeal is considered submitted and received -- Amended requests**
1651 **or notices of appeal.**

1652 (1) As used in this section:

1653 (a) "Applicable filing" means a record request, fee waiver denial override request, review
1654 request, or notice of appeal.

1655 (b) "Relevant officer or committee" means:

1656 (i) with respect to a record request, the records coordinator;

1657 (ii) with respect to a fee waiver denial override request, the review officer;

1658 (iii) with respect to a review request, the review officer; and

1659 (iv) with respect to a notice of appeal, the Legislative Records Committee.

1660 (2) Subject to Subsection (4), an applicable filing is considered submitted on the day
1661 the applicable filing is received by the relevant officer or committee.

1662 (3)(a) If a person submits an applicable filing and later submits an amended applicable
1663 filing, the applicable filing is considered submitted on the day the amended applicable filing is
1664 received by the relevant officer or committee, subject to Subsection (4).

1665 (b)(i) An amended record request is invalid and without effect and may be disregarded
1666 by the records coordinator if the amended record request is submitted after the records
1667 coordinator has, under Section L-204, responded in writing to the accepted record request
1668 sought to be amended, granting or denying the record request or indicating that the legislative
1669 office does not retain any records that are responsive to the record request.

1670 (ii) An amended review request received after the review officer has provided a written
1671 response under Section L-402 to the review request sought to be amended is invalid and
1672 without effect and may be disregarded by the review officer.

1673 (iii) An amended notice of appeal received after the Legislative Records Committee has
1674 issued a statement under Section L-505 on the appeal that is the subject of the notice of appeal
1675 sought to be amended is invalid and without effect and may be disregarded by the Legislative
1676 Records Committee.

1677 (4) An initial or amended applicable filing submitted on a day that is not a business day
1678 or after 5:00 p.m. on a business day is considered to be submitted on the next business day.

1679 **Part 2. Record Requests**

1680 **Section L-201. Written record request -- Exception.**

1681 (1) A legislative office may provide a person access to a record as provided in this policy
1682 only if the person submits a written request to the legislative office requesting access to the
1683 record.

1684 (2) Notwithstanding Subsection (1), a legislative office may provide a person access to a
1685 public record without a written request if:

1686 (a) the record:

1687 (i) was previously distributed publicly at a legislative meeting;

1688 (ii) is a notice, agenda, or other material relating to a legislative meeting, routinely
1689 published or made publicly available by a legislative office; or

1690 (iii) has already been generally distributed to the public at large; or

1691 (b) the chief officer of the legislative office concludes that the legislative office's
1692 convenience and efficiency are best served by providing access to the record without a written
1693 request.

1694 (3) Nothing in this policy may be construed to limit the routine sharing of documents and
1695 information in the normal course of business conducted by the legislative office.

1696 **Section L-202. Record request requirements.**

1697 (1) A record request shall:

1698 (a) be submitted on a form approved and made available by the legislative office;

1699 (b) contain:

1700 (i) the name and mailing address of the requester;

1701 (ii) if the record request is submitted by an entity, the name of the entity's contact
1702 individual;

1703 (iii) the daytime telephone number of the requester or, if the record request is submitted
1704 by an entity, the daytime telephone number of the entity's contact individual; and

1705 (iv) the email address of the requester or, for a record request submitted by an entity,
1706 the email address of the entity's contact individual, if the requester indicates that the requester
1707 is willing to accept communications regarding the record request by email; and

1708 (c) specify the legislative office that the requester believes to be the office that retains
1709 the record.

1710 (2)(a) A legislative office shall require a person submitting a record request that the
1711 person intends to be an in-state request to certify that the person:

1712 (i) is an in-state resident; and

1713 (ii) submits the record request on the person's own behalf and not on behalf of or for a
1714 person who is not an in-state resident.

1715 (b) A record request that does not contain the certification under Subsection (2)(a) is
1716 considered to be an out-of-state request.

1717 (3) (a) A record request shall contain a description of the record requested that identifies
1718 the record with reasonable specificity.

1719 (b) The requirement of reasonable specificity under Subsection (3)(a) is not met if the
1720 records coordinator is unable to readily determine from the face of the record request the
1721 record being requested.

1722 **Section L-203. Rejecting a record request -- Timeline -- Failure to pay filing fee.**

1723 (1)(a) A records coordinator may reject a record request that does not comply with the
1724 requirements of Subsection L-202(1).

1725 (b) If a records coordinator rejects a record request under Subsection (1)(a), the records
1726 coordinator shall notify the requester in writing of the rejection and the reason for the rejection.

1727 (c)(i) A record request is considered to have complied with the requirements of
1728 Subsection L-202(1) at the time the records coordinator received the record request if the
1729 records coordinator does not notify the requester of the rejection under Subsection (1)(a) within:

1730 (A) three business days after the records coordinator receives the record request, if the
1731 response time under Subsection L-204(2)(a)(i)(A) applies, or six business days after the
1732 records coordinator receives the record request, if the response time under Subsection L-
1733 204(2)(a)(i)(B) applies; or

1734 (B) a period of time that is longer than the period described in Subsection (1)(c)(i)(A), if
1735 the requester and records coordinator agree to the longer period of time.

1736 (ii) Subsection (1)(c)(i) does not apply to a record request that a legislative office is not
1737 required to respond to or fill under GRAMA or this policy.

1738 (2)(a) A records coordinator may reject a record request if:

1739 (i) the record request does not comply with the reasonable specificity requirement of
1740 Subsection L-202(3); or

1741 (ii) the records coordinator has reason to believe that the requester's name indicated on
1742 the record request form is not the actual name of the requester.

1743 (b) If a records coordinator rejects a record request under Subsection (2)(a), the records
1744 coordinator shall, within the same time limit that applies to a response to an accepted record
1745 request under Section L-204, notify the requester in writing of the rejection and the reason for
1746 the rejection.

1747 (3)(a)(i) A legislative office may not accept an out-of-state request or an over-the-
1748 threshold request unless the record request is accompanied by the applicable filing fee.

1749 (ii) A legislative office may not waive a filing fee required for an out-of-state request or
1750 an over-the-threshold request.

1751 (b) If a legislative office is unable to accept a record request under Subsection (3)(a),
1752 the records coordinator shall promptly notify the requester:

1753 (i) that the legislative office is unable to accept the record request because of the

1754 requester's failure to pay the applicable filing fee; and
1755 (ii) of the amount of the applicable filing fee.
1756 (c) A requester is considered to have withdrawn the requester's record request if the
1757 requester fails to pay the applicable filing fee within 10 business days after the records
1758 coordinator notifies the requester under Subsection (3)(b) of the filing fee.

1759 **Section L-204. Response to record request -- Record request nonresponse.**

1760 (1) A records coordinator shall respond in writing to an accepted record request as soon
1761 as reasonably possible, but no later than the time period described in this section.

1762 (2)(a) The time for a response under Subsection (1) is:

1763 (i)(A) five business days after the effective filing date, if the requester requests an
1764 expedited response and adequately demonstrates that an expedited response benefits the Utah
1765 public rather than the requester; or

1766 (B) except as provided in Subsection (2)(a)(i)(A), 10 business days after the effective
1767 filing date;

1768 (ii) the applicable period described in Subsection (3)(d), if Subsection (3)(a) applies; or

1769 (iii) a period different than the period described in Subsection (2)(a)(i) or (ii) if the
1770 requester and records coordinator agree to the different period of time.

1771 (b)(i) A records coordinator shall determine whether, in the records coordinator's
1772 reasonable judgment, a requester that has requested an expedited response under Subsection
1773 (2)(a)(i)(A) has adequately demonstrated that an expedited response benefits the Utah public
1774 rather than the requester.

1775 (ii) A requester's declaration that an expedited response benefits the Utah public rather
1776 than the requester does not alone make the demonstration of public benefit required to support
1777 an expedited response under Subsection (2)(a)(i)(A).

1778 (iii) An expedited response under Subsection (2)(a)(i)(A) is presumed to benefit the Utah
1779 public rather than the requester if the requester is seeking access to the requested record for a
1780 time-sensitive story or time-sensitive report that the requester is working on for a publication or
1781 broadcast to the general public by a Utah media outlet.

1782 (iv) A records coordinator's determination under this Subsection (2)(b) is final.

1783 (3)(a) A records coordinator may respond to an accepted record request after the time
1784 period specified in Subsection (2)(a)(i) but within the time period specified in Subsection (3)(d) if
1785 the records coordinator determines that a circumstance prevents the records coordinator from
1786 responding within the time specified in Subsection (2)(a)(i).

1787 (b) A circumstance under Subsection (3)(a) may include when:

1788 (i) another governmental entity is using the requested record;

1789 (ii)(A) another governmental entity is using the requested record as part of an audit; and

1790 (B) returning the record before the completion of the audit would impair the conduct of

1791 the audit;

1792 (iii) the request is for a voluminous quantity of records;

1793 (iv) the requester has submitted multiple record requests within five working days of

1794 each other seeking a substantial number of records;

1795 (v) the legislative office is currently processing a large number of record requests;

1796 (vi) responding to the record request requires the legislative office to review a large

1797 number of records to locate the records requested;

1798 (vii) the decision to provide access to a record involves a legal issue that requires the

1799 legislative office to seek legal counsel for the analysis of statute, rule, ordinance, regulation, or

1800 case law; or

1801 (viii) segregating information to which the requester is entitled to have access from

1802 information to which the requester is not entitled to have access requires:

1803 (A) extensive redacting or editing; or

1804 (B) computer programming.

1805 (c) If a records coordinator relies on Subsection (3)(b)(i) or (ii) for additional time to

1806 respond to an accepted record request, the records coordinator shall promptly request the other

1807 governmental entity to return the record:

1808 (i) within five business days, for a record under Subsection (3)(b)(i); or

1809 (ii) as soon as the governmental entity no longer needs the record for audit purposes,

1810 for a record under Subsection (3)(b)(ii).

1811 (d) If Subsection (3)(a) applies, a records coordinator shall respond to the record

1812 request:

1813 (i) within five business days after the legislative office receives the record from the other

1814 governmental entity, for a circumstance described in Subsection (3)(b)(i) or (ii); or

1815 (ii) except as provided in Subsection (3)(d)(i):

1816 (A) for a record request to which an expedited response time applies, within five

1817 business days after the expiration of the time specified in Subsection (2)(a)(i)(A); or

1818 (B) for any other record request, within 10 business days after the expiration of the time

1819 specified in Subsection (2)(a)(i)(B).

1820 (e) If Subsection (3)(a) applies, the records coordinator shall, within the time specified

1821 in Subsection (2)(a)(i), notify the requester in writing:

1822 (i) that the records coordinator will not respond to the record request within the time

1823 specified in Subsection (2)(a)(i);

1824 (ii) of the circumstance that the records coordinator relies on for additional time to

1825 respond; and

1826 (iii) of the estimated date the records coordinator anticipates responding to the record

1827 request.

1828 (4) A records coordinator shall:

- 1829 (a) deny an accepted record request if and to the extent that:
1830 (i) the record to which access is sought is classified by the legislative office as private,
1831 controlled, or protected; or
1832 (ii) access to the record is limited pursuant to a court order or rule, another state statute,
1833 or federal statute or regulation; or
1834 (b) subject to the requirements of GRAMA and this policy, grant an accepted record
1835 request and provide access to the requested record if and to the extent that the record to which
1836 access is sought is classified by the legislative office as public.
- 1837 (5) A records coordinator shall:
1838 (a) deny an accepted record request to the extent that the record request seeks access
1839 to a confidential business record; and
1840 (b) send the person from whom the legislative office received the confidential business
1841 record a written notice informing the person of the record request and the records coordinator's
1842 denial.
- 1843 (6) If a records coordinator's written response includes an access denial, the response
1844 shall:
1845 (a) cite the provision of law that provides the basis for the classification of the record as
1846 other than public;
1847 (b) provide a brief summary description of the record to which access is denied, without
1848 disclosing any information that would reveal the substantive content of the record; and
1849 (c) include information on the filing of a review request under Section L-401, including:
1850 (i) the time limit for filing a review request; and
1851 (ii) the name, business address, and business email address of the review officer.
- 1852 (7) A records coordinator is considered to have not responded to an accepted record
1853 request if the records coordinator does not respond to the request within the applicable time
1854 specified in Subsection (2).
- 1855 (8) The applicable time period described in Subsection (2) is suspended for a period of
1856 time that:
1857 (a) begins the day on which the records coordinator:
1858 (i) sends notice of a response fee to the requester under Subsection L-301(3)(b); or
1859 (ii) notifies a requester under Subsection L-301(5) of an additional response fee; and
1860 (b) ends at the end of the day on which:
1861 (i) the records coordinator receives payment of the response fee or additional response
1862 fee, as applicable; or
1863 (ii) the records coordinator or review officer grants a fee waiver request under Section L-
1864 302 waiving the required response fee or additional response fee.

1865 **Section L-205. Record received from another governmental entity.**

- 1866 (1) A legislative office is considered not to have prepared and not to own or retain a
1867 record that the legislative office receives from another governmental entity if:
- 1868 (a) the record is not a communication between the other governmental entity and the
1869 legislative office; and
 - 1870 (b)(i) the other governmental entity has classified the record with a classification other
1871 than public and has notified the legislative office of that classification; or
 - 1872 (ii) the legislative office is uncertain of how the other governmental entity has classified
1873 or would classify the record.
- 1874 (2) If a legislative office receives a record request for a record described in Subsection
1875 (1), the records coordinator shall:
- 1876 (a) reject the record request; and
 - 1877 (b) inform the requester of the identity of the governmental entity from which the
1878 legislative office received the record.

1879 **Section L-206. Providing access to a record despite its classification as**
1880 **protected.**

1881 In response to a record request, a legislative office may provide access to a record that
1882 a legislative office has classified as protected, other than a confidential business record, if the
1883 chief officer of the legislative office that retains the record determines that the interests favoring
1884 access are greater than or equal to the interests favoring a denial of access.

1885 **Part 3. Fees for Responding to a Record Request**

1886 **Section L-301. Fee required -- Exception.**

- 1887 (1)(a) Subject to Subsection (1)(b), and in addition to any applicable filing fee required
1888 under the fee schedule in Appendix B, a legislative office shall charge a requester a response
1889 fee, according to the fee schedule in Appendix B, for responding to the requester's record
1890 request.
- 1891 (b) A legislative office may not charge a response fee for responding to an in-state
1892 request if, in responding to the record request, the legislative office:
 - 1893 (i) does not spend staff time that exceeds complimentary time; and
 - 1894 (ii) will not incur any other costs or will incur only nominal costs.
 - 1895 (2)(a) The fee schedule in Appendix B is incorporated into this policy.
 - 1896 (b) The Office of Legislative Research and General Counsel shall adjust the amount of
1897 the fee for staff time under Appendix B every five years based on changes in the chained CPI
1898 and rounded to the nearest five dollars.
 - 1899 (3) If a legislative office charges a response fee, the legislative office shall:
 - 1900 (a) estimate the amount of the response fee; and

1901 (b) notify the requester of the amount of the estimated response fee.

1902 (4)(a) In estimating the amount of the response fee to charge a requester, a legislative
1903 office may conduct or direct a preliminary search for and review of records to gain a general
1904 understanding of the volume of records likely to be responsive to the record request and to
1905 estimate the amount of staff time that will likely be required to identify, gather, classify, and
1906 segregate records in response to the record request.

1907 (b) A legislative office may include staff time spent in a preliminary search for and review
1908 of records under Subsection (4)(a) in the calculation of the response fee to charge a requester.

1909 (5)(a) If the amount a requester pays pursuant to an estimated response fee under this
1910 section is inadequate to cover the actual staff time spent and costs incurred responding to a
1911 record request, a legislative office may, before continuing to work on responding to the record
1912 request, require a requester to pay an additional response fee to cover the estimated additional
1913 staff time and costs.

1914 (b) If the estimated response fee a requester pays exceeds the amount needed to cover
1915 actual staff time spent and costs incurred responding to a record request, the legislative office
1916 shall promptly refund the excess response fee to the requester.

1917 (6)(a) A requester is considered to have withdrawn the requester's record request if the
1918 requester fails to pay the estimated response fee within:

1919 (i) 10 business days after the legislative office notifies the requester of the initial
1920 estimated response fee under Subsection (3)(b); or

1921 (ii) if later than the period specified in Subsection (6)(a)(i), 10 business days after, as
1922 applicable:

1923 (A) the denial of a fee waiver request under Section L-302; or

1924 (B) a review officer declines to override the denial of a fee waiver request under
1925 Subsection L-302(9).

1926 (b) The records coordinator shall respond to the requester's record request and provide
1927 access to public records to the extent practicable consistent with the amount of staff time
1928 covered by the requester's response fee payment, if a requester fails to pay an additional
1929 response fee under Subsection (5)(a) within:

1930 (i) 10 business days after the legislative office notifies the requester of the additional
1931 response fee; or

1932 (ii) if later than the period specified in Subsection (6)(b)(i), 10 business days after, as
1933 applicable:

1934 (A) the denial of a fee waiver request under Section L-302; or

1935 (B) a review officer declines to override the denial of a fee waiver request under
1936 Subsection L-302(9).

1937 (7) If a legislative office determines that a person has falsely certified information under
1938 Subsection L-202(2)(a)(i) or (ii), the legislative office may charge the person all fees in

1939 Appendix B that are applicable to an out-of-state request for any record request submitted by
1940 the person during the period that ends one year after the false certification.

1941 (8) With respect to an action of a legislative office under this section, a legislative office
1942 may act through the legislative office's:

1943 (a) records coordinator, in the context of the records coordinator's consideration of a
1944 record request;

1945 (b) review officer, in the context of the review officer's consideration of a review request
1946 of a record request nonresponse; or

1947 (c) chief officer.

1948 **Section L-302. Fee waiver.**

1949 (1) A records coordinator may grant a fee waiver request only as provided in this
1950 section.

1951 (2) A person who has submitted an accepted record request and has been charged a
1952 response fee or additional response fee under Section L-301 may request a waiver of the
1953 response fee or additional response fee by submitting to the records coordinator a written fee
1954 waiver request.

1955
1956 (3)(a) A fee waiver request shall:

1957 (i) be submitted:

1958 (A) separate from the accepted record request that is the subject of the response fee
1959 for which a waiver is sought; and

1960 (B) on a form that the legislative office approves and makes available; and

1961 (ii) contain:

1962 (A) the name and mailing address of the requester;

1963 (B) if the fee waiver request is submitted by an entity, the name of the entity's contact
1964 individual;

1965 (C) the daytime telephone number of the requester or, if the requester is an entity, the
1966 daytime telephone number of the entity's contact individual;

1967 (D) the email address of the requester or, for a fee waiver request submitted by an
1968 entity, the email address of the entity's contact individual, if the requester indicates that the
1969 requester is willing to accept communications regarding the fee waiver request by email;

1970 (E) a clear reference to the requester's record request that allows the records request
1971 for which a fee waiver is being requested to be readily identified; and

1972 (F) an explanation of the circumstances that the requester believes justify a waiver of
1973 the response fee.

1974 (b) A request for a waiver of a response fee or additional response fee that does not
1975 comply with the requirements of Subsection (3)(a) is invalid and without effect.

1976 (4) A fee waiver request that complies with the requirements of Subsection (3)(a) and is
1977 submitted before the legislative office charges a response fee or additional response fee, as the
1978 case may be, under Section L-301 is considered submitted on the day that the legislative office
1979 notifies the requester of the amount of the estimated response fee or additional response fee,
1980 respectively, under Section L-301.

1981 (5) A records coordinator may partially or fully grant a fee waiver request and waive
1982 some or all of a response fee or additional response fee only if the requester demonstrates to
1983 the satisfaction of the records coordinator that:

1984 (a) in light of all applicable circumstances, requiring the requester to pay the response
1985 fee or additional response fee would place an unusually undue burden on the requester;

1986 (b) the benefit to the Utah public derived from responding to the accepted record
1987 request and providing access to the requested records without payment of the response fee or
1988 additional response fee substantially outweighs the interest in recovering the response fee or
1989 additional response fee to cover some of the cost to the public of the legislative office
1990 responding to the accepted record request; or

1991 (c) there are other extraordinary circumstances justifying a waiver.

1992 (6) A records coordinator's lack of response to a fee waiver request within five business
1993 days after the fee waiver request is submitted constitutes a denial of the fee waiver request.

1994 (7) A denial of a fee waiver request is not a denial of access to a record.

1995 (8) Unless overridden by a review officer as provided in Subsection (9), a records
1996 coordinator's denial of a fee waiver request stands and is final.

1997 (9)(a) A requester whose fee waiver request has been denied may submit a written fee
1998 waiver denial override request to the review officer within five business days after the denial of
1999 the fee waiver request.

2000 (b) A fee waiver denial override request under Subsection (9)(a) is considered declined
2001 and the denial of the fee waiver request stands unless the review officer overrides the denial
2002 within five business days after the request is submitted.

2003 (c) After a timely fee waiver denial override request is submitted under Subsection
2004 (9)(a), a review officer may:

2005 (i) override the denial and grant some or all of the fee waiver request, based on the
2006 requester's demonstration under Subsection (5);

2007 (ii) affirmatively decline the request; or

2008 (iii) choose not to respond to the request.

2009 (d) If a fee waiver denial override request is declined or considered declined under this
2010 Subsection (9):

2011 (i) the denial of the fee waiver request stands and is final; and

2012 (ii) the review officer's action to decline or to choose not to respond to the fee waiver
2013 denial override request is final.

2014 **Part 4. Review of Access Denial or Record Request Nonresponse**

2015 **Section L-401. Review request.**

2016 (1)(a) A requester may seek review of a records coordinator's access denial or a record
2017 request nonresponse if the requester submits a review request to the review officer as provided
2018 in this section.

2019 (b) An attempt to seek review of an action or inaction that is neither an access denial nor
2020 a record request nonresponse is invalid and without effect.

2021 (2) A review officer may not accept a review request or conduct a review of an access
2022 denial or a record request nonresponse unless:

2023 (a) the review request is submitted to the review officer no later than 15 business days
2024 after, as applicable:

2025 (i) the date of the access denial; or

2026 (ii) the date that the records coordinator is considered to have not responded to the
2027 requester's record request under Subsection L-204(7); and

2028 (b) the review request complies with the other requirements of this section.

2029 (3) A review request shall:

2030 (a) contain:

2031 (i) the name, mailing address, and daytime telephone number of the requester;

2032 (ii) if the review request is submitted by an entity, the name of the entity's contact
2033 individual;

2034 (iii) the email address of the requester or, for a review request submitted by an entity,
2035 the email address of the entity's contact individual, if the requester indicates that the requester
2036 is willing to accept communications regarding the review by email;

2037 (iv) an explanation of the basis of the review request; and

2038 (v) a statement of the action the requester wants the review officer to take; and

2039 (b) be accompanied by a copy of:

2040 (i) the accepted record request as to which the access denial or record request
2041 nonresponse relates; and

2042 (ii)(A) the records coordinator's written response that contains the access denial that is
2043 the subject of the review request, if the records coordinator provided a written response denying
2044 access to the record; or

2045 (B) a statement that the records coordinator is considered to have not responded to the
2046 accepted record request under Subsection L-204(7), including the date that the records
2047 coordinator is considered to have not responded, if the requester seeks review of a records
2048 request nonresponse.

2049 (4) If a review request based on a record request nonresponse is submitted before the
2050 expiration of the time for the records coordinator to respond to the record request under Section

2051 L-204:
2052 (a) the review request is invalid and without effect; and
2053 (b) a review officer shall disregard and may not accept the review request.

2054 **Section L-402. Review by review officer of an access denial or record request**
2055 **nonresponse -- Response.**

2056 (1)(a) Except as provided in Subsection (1)(b), a review officer who receives a review
2057 request that complies with the requirements of Section L-401 shall review the records
2058 coordinator's access denial or the records request nonresponse and provide a written response
2059 to the requester, as provided in this section.

2060 (b) If a review request based on a record request nonresponse is submitted relating to a
2061 record request that is not an accepted record request because the requester has not paid the
2062 required filing fee:

2063 (i) the review request is invalid and without effect; and

2064 (ii) the review officer shall:

2065 (A) disregard the review request; and

2066 (B) direct the records coordinator to notify the requester as provided in Subsection L-
2067 203(3)(b).

2068 (2)(a) Upon review of a records coordinator's access denial, a review officer may:

2069 (i) reaffirm the access denial and allow the access denial to stand; or

2070 (ii) except as provided in Subsection (2)(b), override the access denial and provide to
2071 the requester the record that is the subject of the access denial if:

2072 (A) the review officer concludes that the classification upon which the records
2073 coordinator's access denial was based is erroneous and that the record should properly be
2074 classified as public;

2075 (B) the review officer reclassifies the record as public; or

2076 (C) the chief officer of the legislative office that retains the record determines that the
2077 interests favoring access are greater than the interests favoring a denial of access.

2078 (b) A review officer may not override an access denial relating to a confidential business
2079 record without the consent of the person from whom the legislative office received the
2080 confidential business record.

2081 (3)(a) Upon review of a record request nonresponse under a review request that is not
2082 invalid under Subsection (1)(b), a review officer shall, subject to Subsection (3)(b), process the
2083 record request that is the subject of the record request nonresponse in accordance with
2084 Sections L-202, L-203, L-204, L-205, and L-206 and Part 3, Fees for Responding to a Record
2085 Request, as though the review officer were the records coordinator and the record request were
2086 an accepted record request.

2087 (b) With respect to the process described in Subsection (3)(a):

- 2088 (i) Subsections L-204(1), (2), (3), and (7) do not apply; and
2089 (ii) Subsection L-204(8) applies, except that the applicable time period that is suspended
2090 is the time period described in Subsection L-403(1).
2091 (4) As soon as reasonably possible after receiving a review request that complies with
2092 the requirements of Section L-401 and is not invalid under Subsection (1)(b), a review officer
2093 shall provide the requester a written response with the results of the review officer's review of
2094 the access denial or record request nonresponse that is the subject of the review request.

2095 **Section L-403. When written response is considered issued.**

2096 (1) A review officer is considered to have issued a written response to a review request
2097 if the review officer does not issue a written response under Section L-402 within:

2098 (a) for a review request related to an in-state request:

2099 (i)(A) 20 business days after the review request is submitted; or

2100 (B) 25 business days after the review request is submitted, if the review request is
2101 submitted during an annual general session or special session of the Legislature; or

2102 (ii) a period of time that ends later than the period of time stated in Subsection (1)(a)(i),
2103 if the requester and review officer agree to the longer period of time; or

2104 (b) for a review request related to an out-of-state request:

2105 (i) 60 calendar days after the review request is submitted; or

2106 (ii) a period of time that ends later than the period of time stated in Subsection (1)(b)(i),
2107 if the requester and review officer agree to the longer period of time.

2108 (2)(a) If a review officer is considered to have issued a written response under
2109 Subsection (1) related to a review request of an access denial:

2110 (i) the written response is considered to be a decision allowing the access denial to
2111 stand; and

2112 (ii) the access denial stands.

2113 (b) If a review officer is considered to have issued a written response under Subsection
2114 (1) related to a review request of a record request nonresponse, the written response is
2115 considered to be an access denial related to the records requested in the record request that is
2116 the subject of the record request nonresponse.

2117 **Part 5. Appeal to Legislative Records Committee**

2118 **Section L-501. Requester may appeal access denial to Legislative Records**
2119 **Committee -- Notice of appeal.**

2120 (1) A requester may appeal an access denial to the Legislative Records Committee if:

2121 (a) the requester previously submitted a review request:

2122 (i) seeking review of the access denial or record request nonresponse;

2123 (ii) that complies with the requirements of Section L-401; and
2124 (iii) that is not invalid under Subsection L-402(1)(b);
2125 (b) the review officer did not override the access denial; and
2126 (c) the requester submits a notice of appeal to the Legislative Records Committee, as
2127 provided in Section L-502, no later than 15 business days after the review officer, as applicable:
2128 (i) issues a written response under Section L-402; or
2129 (ii) is considered to have issued a written response under Section L-403.
2130 (2) The Legislative Records Committee may not accept a notice of appeal or consider
2131 an appeal sought by a requester unless the notice of appeal complies with the requirements of
2132 this section.
2133 (3) A notice of appeal under this part shall contain:
2134 (a) the name, mailing address, and daytime telephone number of the requester;
2135 (b) if the requester is an entity, the name of the entity's contact individual; and
2136 (c) the email address of the requester or, if the requester is an entity, the email address
2137 of the entity's contact individual, if the requester indicates that the requester is willing to accept
2138 communications regarding the appeal by email.
2139 (4) A notice of appeal under this part shall be accompanied by:
2140 (a) a copy of the record request that is the subject of the access denial;
2141 (b)(i) a copy of the records coordinator's written response that contains the access
2142 denial; or
2143 (ii) if applicable, a statement that the records coordinator is considered to have not
2144 responded to the requester's record request under Subsection L-204(7), including the date that
2145 records coordinator is considered to have not responded;
2146 (c) a copy of the requester's review request;
2147 (d)(i) a copy of the review officer's written response under Section L-402; or
2148 (ii) if applicable, a statement that the review officer was considered to have issued a
2149 written response under Section L-403, including the date that the response was considered to
2150 have been issued; and
2151 (e) a certificate of service signed by the requester certifying the submission to the
2152 records coordinator of a copy of:
2153 (i) the notice of appeal and the documents required under this Subsection (4) to
2154 accompany the notice of appeal; and
2155 (ii) the written statement under Subsection (6), if the requester submits a written
2156 statement under Subsection (6).
2157 (5) A notice of appeal is invalid and without effect and shall be disregarded by the
2158 Legislative Records Committee if the notice of appeal is submitted to the Legislative Records
2159 Committee before, as applicable:
2160 (a) the review officer issues a written response under Section L-402; or

2161 (b) the expiration of the time for the review officer to respond to the review request
2162 under Section L-403.

2163 (6) At the same time the requester submits a notice of appeal, the requester may submit
2164 a separate written statement, no longer than 1,500 words in length, explaining the basis of the
2165 requester's appeal.

2166 (7) A records coordinator or the legislative office that made the access denial:

2167 (a) may, within 10 business days after receiving a copy of the notice of appeal, submit to
2168 the Legislative Records Committee a brief written explanation of the basis of the access denial;
2169 and

2170 (b) shall send a copy of the explanation under Subsection (7)(a) to the requester, if the
2171 records coordinator or legislative office submits a written explanation under Subsection (7)(a).

2172 (8) The Legislative Records Committee may require a records coordinator or review
2173 officer to prepare and submit to the committee the brief description referred to in Subsection L-
2174 204(4)(b) if:

2175 (a) the record request that is the subject of the appeal is the subject of a record request
2176 nonresponse; and

2177 (b) the review officer was considered to have issued a written response under Section L-
2178 403.

2179 (9)(a) The director of the Office of Legislative Research and General Counsel shall, on
2180 behalf of the Legislative Records Committee, summarily reject a notice of appeal if the
2181 Legislative Records Committee:

2182 (i) is prohibited from accepting a notice of appeal and considering an appeal under
2183 Subsection (2); or

2184 (ii) is required to disregard a notice of appeal under Subsection (5).

2185 (b) The director of the Office of Legislative Research and General Counsel:

2186 (i) shall provide written notice of a rejection under Subsection (9)(a) to a requester
2187 whose notice of appeal is rejected under Subsection (9)(a); and

2188 (ii) is not required to notify or consult with the Legislative Records Committee in rejecting
2189 a notice of appeal under Subsection (9)(a).

2190 **Section L-502. Filing with or submitting documents to the Legislative Records**
2191 **Committee.**

2192 (1) A notice of appeal or other document required or permitted under this policy to be
2193 filed with or submitted to the Legislative Records Committee shall be filed with or submitted to
2194 the director of the Office of Legislative Research and General Counsel.

2195 (2) Filing with or submitting to the director of the Office of Legislative Research and
2196 General Counsel alone constitutes filing with or submitting to the Legislative Records
2197 Committee.

2198 **Section L-503. Nature of appeal to Legislative Records Committee -- Committee**
2199 **review of records.**

2200 (1) An appeal to the Legislative Records Committee is not an adversarial or quasi-
2201 judicial proceeding but is an opportunity for:

2202 (a) the requester to explain the basis of the requester's appeal and explain why the
2203 requester should be provided access to the record that is the subject of the access denial; and

2204 (b) the Legislative Records Committee to make its own assessment as to whether:

2205 (i) a legislative office's classification of a record that is the subject of an access denial is
2206 proper;

2207 (ii) the record that is the subject of an access denial should be reclassified; and

2208 (iii) the interests favoring access are greater than the interests favoring a denial of
2209 access.

2210 (2)(a) A member of the Legislative Records Committee may:

2211 (i) review a record that is the subject of the access denial at any time; and

2212 (ii) consult ex parte with the records coordinator, review officer, or chief officer
2213 concerning anything related to the record request, access denial, record request nonresponse,
2214 or other action or inaction with respect to the record request, including:

2215 (A) the classification of the record that is the subject of the access denial; and

2216 (B) the basis of any access denial.

2217 (b) A legislative office shall make a record available to a member of the Legislative
2218 Records Committee for the member's review under Subsection (2)(a) at the member's request.

2219 **Section L-504. Legislative Records Committee proceedings.**

2220 (1)(a) A requester may request the Legislative Records Committee to hold a hearing on
2221 the requester's appeal by submitting to the Legislative Records Committee a request for a
2222 hearing.

2223 (b) The Legislative Records Committee may not consider a request for a hearing unless
2224 the request for a hearing is submitted with, and at the same time the requester files, a notice of
2225 appeal.

2226 (2) The Legislative Records Committee may:

2227 (a) in its sole discretion, grant or deny a request for a hearing; and

2228 (b) on its own, decide to hold a hearing on the appeal.

2229 (3) If the Legislative Records Committee grants a request for a hearing or decides on its
2230 own to hold a hearing, the committee shall:

2231 (a) schedule a hearing to be held within:

2232 (i) 60 calendars days after the notice of hearing under Subsection (3)(b) is issued; or

2233 (ii) a longer period of time than the period described in Subsection (3)(a)(i), if the
2234 requester agrees to the longer period of time;

- 2235 (b) send a notice of the date, time, and place of the hearing to:
2236 (i) the requester;
2237 (ii) the records coordinator; and
2238 (iii) the chief officer of the legislative office that made the access denial or the record
2239 request nonresponse that is the subject of the requester's appeal.
- 2240 (4) The purposes of a hearing under this section are:
2241 (a) for the Legislative Records Committee to acquire a better understanding of:
2242 (i) the basis of the legislative office's access denial; and
2243 (ii) the basis of the requester's appeal;
2244 (b) to allow a requester an opportunity to explain why the Legislative Records
2245 Committee should override the access denial; and
2246 (c) to allow the records coordinator, review officer, or other representative of the
2247 legislative office to explain the basis of the access denial, if the Legislative Records Committee
2248 requests the legislative office's appearance under Subsection (5).
- 2249 (5) The Legislative Records Committee may request the records coordinator, review
2250 officer, or other representative of the legislative office that made the access denial to appear at
2251 a hearing under this section to explain the basis for the access denial, subject to Subsection
2252 (6).
- 2253 (6) In explaining or discussing the basis for an access denial or discussing a record that
2254 is subject to an access denial, an individual involved in any capacity at a hearing under this
2255 section may not disclose the content of any record that is subject to the access denial.
- 2256 (7) The chair of the Legislature Records Committee is:
2257 (a) the president of the Senate, for an appeal initiated during an even-numbered year;
2258 and
2259 (b) the speaker of the House of Representatives, for an appeal initiated during an odd-
2260 numbered year.
- 2261 (8) The Legislative Records Committee or its chair may establish procedures and other
2262 requirements, in addition to the provisions of this policy, to govern proceedings before the
2263 Legislative Records Committee.

2264 **Section L-505. Legislative Records Committee statement.**

- 2265 (1) The Legislative Records Committee may:
2266 (a) reaffirm the access denial and allow the access denial to stand; or
2267 (b) override the access denial and disclose the record to the requester, if the Legislative
2268 Records Committee:
2269 (i) concludes that the legislative office's classification of the record that is the subject of
2270 the access denial was erroneous and that the record should properly be classified as public;
2271 (ii) changes the classification of the record to public; or

2272 (iii) determines that the interests favoring access are greater than the interests favoring
2273 a denial of access.

2274 (2)(a) The Legislative Records Committee shall:

2275 (i) issue a brief written statement explaining the result of the committee's assessment of
2276 an access denial on appeal; and

2277 (ii) send a copy of the written statement to:

2278 (A) the requester;

2279 (B) the records coordinator; and

2280 (C) the chief officer of the legislative office whose access denial is the subject of the
2281 appeal.

2282 (b) The Legislative Records Committee is considered to have issued a written statement
2283 reaffirming the access denial, and the access denial stands, if the Legislative Records
2284 Committee does not issue a written statement within:

2285 (i)(A) 20 business days after a hearing under Section L-504, if a hearing is held; or
2286 (B) 60 calendar days after the filing of a notice of appeal, if no hearing is held; or
2287 (ii) a longer period of time than the period of time specified in Subsection (2)(b)(i), if the
2288 requester agrees to the longer period of time.

2289 (3)(a) The access denial that is the subject of an appeal under this part stands unless
2290 the Legislative Records Committee overrides the access denial.

2291 (b) A decision of the Legislative Records Committee, including an action or inaction that
2292 has the effect of reaffirming an access denial, is final.

Appendix A
Legislative Management Committee Policy L -- Legislative Records
Retention Schedule

- 2293
2294
2295
- 2296 Permanent or until the legislative office transmits the record to the Division of Archives
- 2297 A record defined as a “permanent legislative record” in Utah Code Section 63A-12-102.5
- 2298 65 years after the termination of an employee’s employment or until the legislative office
2299 transmits the record to the Division of Archives
- 2300 Employee personnel file (except employee time and leave records), including
2301 performance evaluations, evidence of disciplinary action, and any disability, illness, or other
2302 medical records, that a legislative office does not transmit to the Division of Archives for
2303 retention and preservation
- 2304 6 years
- 2305 Written records of procurements, as described in Utah Code Section 63G-6a-2002(4)
- 2306 6 years after expiration of the contract term
- 2307 Procurement contracts, other than contracts made under Utah Code Section 63G-6a-
2308 506 (small purchases), 63G-6a-802 (sole source, transitional cost, or standard procurement
2309 process impractical), or 63G-6a-803 (emergency)
- 2310 5 years
- 2311 Requests for legislation submitted to the Office of Legislative Research and General
2312 Counsel
2313 Requests for appropriations submitted to the Office of the Legislative Fiscal Analyst
2314 Requests for an audit or review submitted to the Office of the Legislative Auditor
2315 General
- 2316 3 years
- 2317 Records that document financial transactions and operations of a legislative office such
2318 as reimbursement requests, invoices, purchase orders, payment records, inventory records,
2319 payroll records, and other records that document receipts or expenditures
2320 A complaint under the Americans with Disabilities Act, a response to the complaint, any
2321 appeal of the decision, and a response to the appeal
- 2322 2 years
- 2323 Employee time and leave records
- 2324 1 year after expiration of the contract term
- 2325 Records of contracts made under Utah Code Section 63G-6a-506 (small purchases),

- 2326 63G-6a-802 (sole source, transitional cost, or standard procurement process impractical), or
- 2327 63G-6a-803 (emergency)
- 2328 Until the administrative need to retain the record ends, as determined by the legislative office
- 2329 All other records

Appendix B
Legislative Management Committee Policy L -- Legislative Records
Schedule of Fees for Filing a Record Request
and for a Legislative Office Responding to a Record Request

Fee Description	Amount of Fee for an In-State Request	Amount of Fee for an Out-of-State Request
2334	\$0 (except as provided below)	
2335	\$50, for an over-the-threshold request	\$75
2336 2337 2338 2339 2340 2341	\$40 per hour after the first two hours (except as provided below)	\$60 per hour
	\$40 per each hour of staff time, for an over- the-threshold request	
2342 2343	\$0	\$0
2344 2345	\$.10 per side (black and white) \$.40 per side (color)	\$.20 per side (black and white) \$.80 per side (color)
2346	\$1 per page	\$2 per page
2347 2348 2349	\$5 per disc or other medium	\$5 per disc or other medium
2350	Actual cost, with \$2 minimum	Actual cost, with \$3 minimum
2351 2352	\$10 (in addition to any other applicable fee)	\$10 (in addition to any other applicable fee)

2353
2354
2355
2356
2357

**Legislative Management Committee Policy N –
Professional Legislative Staff Overtime**
(Adopted September 16, 2020)
(Amended May 17, 2022)
(Amended December 9, 2024)

2358

Part 1. General Provisions

2359

Section N-101. Scope of policy.

2360

This policy governs the accrual of, use of, and compensation for overtime of employees of legislative staff offices.

2361

2362

Section N-102. Definitions.

2363

As used in this policy:

2364

(1) “Chief administrator” means:

2365

(a) the legislative auditor general, for the Office of the Legislative Auditor General;

2366

(b) the legislative fiscal analyst, for the Office of the Legislative Fiscal Analyst;

2367

(c) the director of the Office of Legislative Research and General Counsel, for the Office of Legislative Research and General Counsel; and

2368

2369

(d) the executive officer of the Office of Legislative Services, for the Office of Legislative Services.

2370

2371

(2) “Compensatory time” means time:

2372

(a) that an employee of a legislative staff office may accrue, as provided in this policy; and

2373

(b) that the employee may use as paid time off or for which the employee may be compensated, as provided in this policy.

2374

2375

(3) “Legislative staff office” means:

2376

(a) the Office of the Legislative Auditor General;

2377

(b) the Office of the Legislative Fiscal Analyst;

2378

(c) the Office of Legislative Research and General Counsel; or

2379

(d) the Office of Legislative Services.

2380

Part 2. Compensatory Time Provisions

2381

Section N-201. Accrual of compensatory time.

2382

Subject to the written approval of the chief administrator or the chief administrator’s designee:

2383

2384

(1) a legislative staff office employee with nine hours or more of work time on a day from Monday through Friday that is not a holiday may accrue compensatory time for:

2385

2386

(a) the first hour of work time after eight hours of work time that day; and

2387

(b) each half hour of work time after nine hours of work time that day; and

2388 (2) a legislative staff office employee with one hour or more of work time on a Saturday,
2389 Sunday, or holiday may accrue compensatory time for:
2390 (a) the first hour of work time that day; and
2391 (b) each half hour of work time after one hour of work time that day.
2392 (3) An employee seeking the accrual of compensatory time shall submit a claim for
2393 compensatory time in the manner and at a time established by the legislative staff office.

2394 **Section N-202. Use of or payment for compensatory time.**

2395 (1) Subject to the written approval of the chief administrator or the chief administrator's
2396 designee, an employee of a legislative staff office may use accrued compensatory time as paid
2397 time off on a straight-time basis.

2398 (2)(a) During a budget year, subject to budget constraints within each legislative staff
2399 office, the chief administrator may authorize employees to convert compensatory time hours to
2400 pay at the employee's rate of pay, subject to a maximum number of compensatory time hours
2401 per employee or a maximum dollar figure per employee that the chief administrator establishes.

2402 (b) The chief administrator of the Office of Legislative Services shall make any
2403 authorization the chief administrator makes under Subsection (2)(a) in consultation with the
2404 Legislative Services Management Council.

2405 **Section N-203. Forfeiture of compensatory time.**

2406 (1) At the end of the day on a date designated by the chief administrator for the
2407 employees in the chief administrator's legislative staff office, an employee of a legislative staff
2408 office who has more than 80 hours of accrued compensatory time remaining on that date
2409 forfeits any accrued compensatory time over 80 hours.

2410 (2) A chief administrator may, in the case of extraordinary circumstances, waive the
2411 forfeiture provision of Subsection (1) for an individual employee or a group of employees,
2412 subject to a maximum of 160 hours of accrued compensatory time.

2413 **Section N-204. Record keeping.**

2414 To provide a proper audit trail, a legislative staff office shall keep paper or electronic
2415 records of compensatory time accrual, use, and conversion requests and approvals.

2416 **Section N-205. Legislative Management Committee exceptions.**

2417 The Legislative Management Committee may authorize an exception to this policy if the
2418 Legislative Management Committee determines that the exception is warranted due to
2419 extraordinary circumstances.

2420 **Legislative Management Committee Policy W -- Legislative Intern Program**
2421 (Adopted June 13, 2023)
2422 (Amended December 9, 2024)

2423 **Part 1. General Provisions**

2424 **Section W-101. Scope of policy -- Replacing previous policy.**

2425 This policy governs the legislative intern program and replaces and supersedes the
2426 "Legislative Management Committee Policy for the Legislative Intern Program" and any other
2427 policy concerning legislative interns or the legislative intern program.

2428 **Section W-102. Definitions.**

2429 As used in this policy:

2430 (1) "Employment period" means the period beginning the day that is two weeks before
2431 the start of an annual general session of the Legislature and ending at the adjournment of the
2432 annual general session.

2433 (2) "Intern" means an individual who is:

2434 (a) a student at a participating institution; and

2435 (b) hired by legislative services to participate in the intern program.

2436 (3) "Intern coordinator" means the individual or individuals designated by legislative
2437 services to oversee and manage the legislative intern program.

2438 (4) "Intern services" means services provided by an intern to a legislator to assist the
2439 legislator in the legislator's performance of the legislator's legislative duties.

2440 (5) "Legislative intern program" means the program established in this policy for interns
2441 to provide intern services to legislators.

2442 (6) "Legislative services" means the Office of Legislative Services created in Section D-
2443 201 of Legislative Management Committee Policy D - Legislative Services.

2444 (7) "Participating institution" means:

2445 (a) Brigham Young University;

2446 (b) Salt Lake Community College;

2447 (c) Snow College;

2448 (d) Southern Utah University;

2449 (e) University of Utah;

2450 (f) Utah State University;

2451 (g) Utah Tech University;

2452 (h) Utah Valley University;

2453 (i) Weber State University; or

2454 (j) Westminster University.

2455

Part 2. Legislative Intern Program

2456

Section W-201. Legislative intern program -- Legislative services administration

2457

of program -- Intern guidelines.

2458

(1) There is established a legislative intern program.

2459

(2) Legislative services:

2460

(a) shall administer the legislative intern program, as provided in this policy;

2461

(b) may designate one or more employees of legislative services to serve as intern coordinator to oversee and manage the legislative intern program; and

2462

(c) shall adopt guidelines, subject to the joint approval of the chief of staff of the Senate and the chief of staff of the House of Representatives, to establish requirements applicable to interns and standards of intern conduct, behavior, and decorum.

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2464

2465

2466

(3) Guidelines adopted under Subsection (2)(c):

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(a) shall include provisions requiring an intern to:

2468

(i) comply with applicable state and federal law relating to employment, including:

2469

(A) income tax withholding requirements and providing a completed IRS Form W-4; and

2470

(B) completing the employee portion of the employment eligibility verification form

2471

issued by the United States Department of Homeland Security, United States Citizenship and

2472

Immigration Services; and

2473

(ii) provide identification and documentation necessary to allow legislative services to

2474

complete the applicable employer portion of the form described in Subsection (3)(a)(i)(B); and

2475

(b) may include:

2476

(i) limitations on an intern's outside employment during the employment period;

2477

(ii) conflict of interest and confidentiality provisions;

2478

(iii) minimum requirements an intern is required to meet to receive compensation under the legislative intern program; and

2479

2480

(iv) expectations and requirements for the number of hours interns are to devote to

2481

providing intern services during the employment period.

2482

(4) In formulating and adopting guidelines under Subsection (2)(c), legislative services:

2483

(a) shall consider including workplace rules and policies, discrimination and harassment

2484

policies, acceptable use policies, codes of conduct, and other provisions applicable to other

2485

individuals working in the legislative environment; and

2486

(b) may adapt and supplement provisions described in Subsection (4)(a), as appropriate

2487

for application to interns, to ensure high standards of intern conduct and to safeguard the

2488

integrity of the legislative intern program.

2489

Section W-202. Hiring of interns -- List provided by participating institution --

2490

Employment status of interns.

2491 (1) Legislative services may hire for each annual general session of the Legislature up
2492 to 95 interns to participate in the legislative intern program.

2493 (2)(a) Legislative services may hire an intern from a list of students provided by a
2494 participating institution if the participating institution:

2495 (i) verifies that each student on the list:

2496 (A) is enrolled as a student at the participating institution;

2497 (B) is, except as provided in Subsection (2)(b)(i), a junior, senior, or graduate student;

2498 (C) has, after graduating high school, completed at least one year of college-level
2499 course work; and

2500 (D) has been approved by the participating institution as academically qualified and as
2501 otherwise meeting the standards established by the participating institution for a student to
2502 participate in the legislative intern program; and

2503 (ii) assigns a faculty advisor for all students from that participating institution who are
2504 hired as interns in the legislative intern program.

2505 (b)(i) Salt Lake Community College is not required to verify that each student on the list
2506 provided under Subsection (2)(a) is a junior, senior, or graduate student.

2507 (ii) The intern coordinator may waive a verification requirement under Subsection
2508 (2)(a)(i)(B) or (C) if:

2509 (A) a participating institution requests a waiver for a specific student; and

2510 (B) the intern coordinator determines that the waiver is in the best interests of the intern
2511 program.

2512 (3)(a) An intern is an at-will employee and may be terminated at any time, with or
2513 without notice and with or without cause.

2514 (b) If the employment of an intern employed in the legislative intern program terminates
2515 before the end of the employment period, the intern coordinator shall notify the intern's
2516 participating institution of the termination.

2517 **Section W-203. Intern pay.**

2518 (1)(a) The amount of pay that legislative services is authorized to pay an intern for
2519 providing intern services during the employment period is \$4,000.

2520 (b) Legislative services may divide the pay under Subsection (1)(a) into two payments,
2521 the first to be paid no sooner than the first complete pay period of the January in which the
2522 annual general session of the Legislature begins.

2523 (c)(i) Before the beginning of an annual general session beginning after January 1,
2524 2025, legislative services shall recalculate the amount stated in Subsection (1)(a) based on
2525 changes in the chained CPI, rounded to the nearest fifty dollars.

2526 (ii) If the amount calculated under Subsection (1)(c)(i) is greater than the amount of
2527 intern pay for the previous employment period, legislative services shall adjust intern pay under
2528 this section for the next employment period to the recalculated amount.

2529 (2) Legislative services shall pay an intern whose employment in the legislative intern
2530 program terminates before the end of the employment period on a pro rata basis according to
2531 the percentage of the employment period the intern provided intern services.

2532 **Section W-204. Training and materials provided to interns -- Intern assignments.**

2533 (1) The intern coordinator shall provide each intern:

2534 (a) orientation and training regarding the intern's role in providing intern services to a
2535 legislator, including the requirements and standards stated in the guidelines adopted under
2536 Subsection W-201(2)(c);

2537 (b) a copy of this policy and the guidelines adopted under Subsection W-201(2)(c); and

2538 (c) a network identification and password;

2539 (d) a photo identification badge; and

2540 (e) a cell phone for use in providing intern services.

2541 (2)(a) The intern coordinator is responsible, in consultation with Senate and House staff,
2542 for assigning each intern to work with a legislator or multiple legislators.

2543 (b) The intern coordinator may assign 29 interns to the Senate so that each senator has
2544 a separate intern.

2545 (c) In making intern assignments, the intern coordinator may consider, in no order of
2546 priority:

2547 (i) legislator preference;

2548 (ii) an intern's preferred house, political party, or legislator;

2549 (iii) an intern's demonstrated academic interest or skill with respect to a subject area or
2550 issue;

2551 (iv) if an intern is assigned to multiple legislators:

2552 (A) whether the legislators are members of the same house or political party; and

2553 (B) the total number of approximate hours that a legislator requests intern services; and

2554 (v) any other factor the intern coordinator considers relevant.

2555 (3) The intern coordinator may choose not to assign an intern to a legislator.

2556 (4) The intern coordinator's assignment of or choice not to assign an intern is final.

2557 (5) Legislators who receive intern services from the same intern shall coordinate with the
2558 intern coordinator to ensure that the intern provides intern services for approximately the same
2559 number of hours per week as an intern who is assigned to a single legislator.

2560 (6)(a) The intern coordinator may assign an intern to a single legislator if:

2561 (i) the legislator is:

2562 (A) a member of the Legislative Management Committee;

2563 (B) a chair of the Senate or House Rules Committee; or
2564 (C) a chair of the Executive Appropriations Committee; or
2565 (ii)(A) a legislator requests an assignment of an intern to the legislator alone;
2566 (B) the intern coordinator concludes that the legislator will keep the intern occupied for
2567 the full time that an intern is required to work under the guidelines adopted under Subsection
2568 W-201(2)(c); and
2569 (C) there is a sufficient number of interns available to meet each legislator's
2570 requirements for intern services.
2571 (b) If there is an insufficient number of interns available to meet each legislator's request
2572 under Subsection (6)(a)(ii)(A), the intern coordinator shall assign available interns to legislators
2573 based on the requesting legislator's seniority in the Legislature.
2574 (7) A legislator's political caucus representative may coordinate with the intern
2575 coordinator to interview available interns and make recommendations to the intern coordinator
2576 regarding the legislator's intern assignment.