

Title 36. Legislature

Chapter 1 Legislative Districts

Part 1 Utah State Senate

36-1-101.1 Definitions.

As used in this part:

- (1) "Census block" means any one of the 71,207 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2020 decennial census.
- (2) "Senate block equivalency file" means the electronic file designated as SB2006S02_BEf.txt that assigns each of Utah's 71,207 census blocks to a particular Utah State Senate district.
- (3) "Senate shapefile" means the electronic shapefile that:
 - (a) is the resulting projection of the Senate block equivalency file; and
 - (b) stores the boundary of each of the 29 Utah State Senate districts.
- (4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 11, 2021 Special Session 2

36-1-101.5 Utah State Senate -- District boundaries.

- (1) The Utah State Senate shall consist of 29 members, with one member to be elected from each Utah State Senate district.
- (2) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2020 national decennial census as the official data for establishing Senate district boundaries.
- (3)
 - (a) The Legislature enacts the district numbers and boundaries of the Senate districts designated in the Senate block equivalency file and resulting Senate shapefile that is the electronic component of Laws of Utah 2021, Second Special Session, Chapter 11:
 - (i) for purposes of nominating and electing certain members of the Utah State Senate beginning January 1, 2022; and
 - (ii) for all other purposes beginning January 1, 2023.
 - (b) The Legislature shall ensure that the Senate shapefile, and the Senate district boundaries generated from the Senate shapefile, are accessible on the Utah Legislature's website.

Amended by Chapter 11, 2021 Special Session 2

36-1-102 Election of senators -- Staggered terms.

Unless otherwise provided by law, and notwithstanding Subsection 20A-1-503(3):

- (1) voters in the following districts, as designated in the Senate block equivalency file, shall elect a senator for a term of four years:

- (a) at the 2022 General Election, Senate Districts 1, 5, 6, 7, 9, 11, 12, 13, 14, 18, 19, 20, 21, 23, and 28; and
- (b) at the 2024 General Election, Senate Districts 2, 3, 4, 8, 10, 15, 16, 17, 22, 24, 25, 26, 27, and 29; and
- (2) a senator representing a district described in Subsection (1)(b) on November 16, 2021, shall represent the realigned district, if the senator resides in the realigned district, for a term of office that ends January 1, 2025.

Amended by Chapter 11, 2021 Special Session 2

36-1-103 Senate districts -- Filing -- Legal boundaries.

- (1)
 - (a) The Legislature shall file a copy of the Senate block equivalency file enacted by the Legislature and the resulting Senate shapefile with the lieutenant governor's office.
 - (b) The legal boundaries of Senate districts are contained in the Senate shapefile on file with the lieutenant governor's office.
- (2)
 - (a) The lieutenant governor shall:
 - (i) verify the Senate block equivalency file that the Legislature filed under Subsection (1) using block equivalency file security code "4dde7d733138e1360e155dfaf98a0cd5" and the resulting Senate shapefile;
 - (ii) generate maps of each Utah State Senate district from the Senate shapefile; and
 - (iii) ensure that the district maps are available for viewing on the lieutenant governor's website.
 - (b) If there is any inconsistency between the district maps and the Senate shapefile resulting from the Senate block equivalency file, the Senate shapefile is controlling.

Amended by Chapter 11, 2021 Special Session 2

36-1-103.2 County clerk, Utah Geospatial Resource Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

- (1) As used in this section, "redistricting boundary data" means the Senate shapefile in the possession of the lieutenant governor's office.
- (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.
- (3)
 - (a) A county clerk may create one or more county maps that identify the boundaries of Senate districts as generated from the redistricting boundary data.
 - (b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of Senate districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for review.
 - (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial Resource Center shall:
 - (i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of Senate districts established by the Legislature in the redistricting boundary data;
 - (ii) determine whether the county map and data are correct or incorrect; and
 - (iii) communicate those findings to the lieutenant governor.

- (d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.
 - (e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:
 - (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
 - (ii) resubmit the corrected county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (3).
- (4)
- (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each Senate district according to the procedures and requirements of Section 20A-5-303.
 - (b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Utah Geospatial Resource Center for review.
 - (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah Geospatial Resource Center shall:
 - (i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of Senate districts established by the Legislature in the redistricting boundary data;
 - (ii) determine whether the voting precinct map is correct or incorrect; and
 - (iii) communicate those findings to the lieutenant governor.
 - (d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.
 - (e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:
 - (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
 - (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (4).

Amended by Chapter 11, 2021 Special Session 2

36-1-104 Omissions from maps -- How resolved.

- (1) If any area of the state is omitted from a Utah State Senate district in the Senate shapefile in the possession of the lieutenant governor's office, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Senate district according to the requirements of Subsections (2) and (3).
- (2) If the omitted area is surrounded by a single Senate district, the county clerk shall attach the area to that district.
- (3) If the omitted area is contiguous to two or more Senate districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.
- (4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 11, 2021 Special Session 2

36-1-105 Uncertain boundaries -- How resolved.

- (1) As used in this section:
- (a) "Affected party" means:
 - (i) a senator whose Utah State Senate district boundary is uncertain because the feature used to establish the district boundary in the Senate shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the senator or another individual resides in a particular Senate district;
 - (ii) a candidate for senator whose Senate district boundary is uncertain because the feature used to establish the district boundary in the Senate shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular Senate district; or
 - (iii) an individual who is uncertain about which Senate district contains the individual's residence because the feature used to establish the district boundary in the Senate shapefile has been removed, modified, or is unable to be identified.
 - (b) "Feature" means a geographic or other tangible or intangible mark such as a road or political subdivision boundary that is used to establish a Senate district boundary.
- (2)
- (a) An affected party may file a written request petitioning the lieutenant governor to determine:
 - (i) the precise location of the Senate district boundary;
 - (ii) the number of the Senate district in which an individual resides; or
 - (iii) both Subsections (2)(a)(i) and (ii).
 - (b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:
 - (i) the Senate block equivalency file and the resulting Senate shapefile; and
 - (ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.
 - (c) Within five days after the day on which the lieutenant governor receives the request described in Subsection (2)(a), the lieutenant governor shall:
 - (i) complete the review described in Subsection (2)(b); and
 - (ii) make a determination.
 - (d) When the lieutenant governor determines the location of the Senate district boundary, the lieutenant governor shall:
 - (i) prepare a certification identifying the appropriate Senate district boundary and attaching a map, if necessary; and
 - (ii) send a copy of the certification to:
 - (A) the affected party;
 - (B) the county clerk of the affected county; and
 - (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
 - (e) If the lieutenant governor determines the number of the Senate district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:
 - (i) the individual;
 - (ii) the affected party who filed the petition, if different than the individual whose Senate district number was identified; and
 - (iii) the county clerk of the affected county.

Amended by Chapter 11, 2021 Special Session 2

Part 2 Utah House of Representatives

36-1-201.1 Definitions.

As used in this part:

- (1) "Census block" means any one of the 71,207 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2020 decennial census.
- (2) "House block equivalency file" means the electronic file designated as HB2005_BEf.txt that assigns each of Utah's 71,207 census blocks to a particular Utah State House of Representatives district.
- (3) "House shapefile" means the electronic shapefile that:
 - (a) is the resulting projection of the House block equivalency file; and
 - (b) stores the boundary of each of the 75 Utah House of Representatives districts.
- (4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 5, 2021 Special Session 2

36-1-201.5 Utah State House of Representatives -- House district boundaries.

- (1) The Utah State House of Representatives shall consist of 75 members, with one member to be elected from each Utah House of Representative district.
- (2) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2020 national decennial census as the official data for establishing House district boundaries.
- (3)
 - (a) The Legislature enacts the district numbers and boundaries of the House of Representatives districts designated in the House block equivalency file and resulting House shapefile that is the electronic component of Laws of Utah 2021, Second Special Session, Chapter 5:
 - (i) for purposes of nominating and electing members of the Utah State House of Representatives beginning January 1, 2022; and
 - (ii) for all other purposes beginning January 1, 2023.
 - (b) The Legislature shall ensure that the House shapefile, and the legislative boundaries generated from the House shapefile, are accessible on the Utah Legislature's website.

Amended by Chapter 5, 2021 Special Session 2

36-1-202 House districts -- Filing -- Legal boundaries.

- (1)
 - (a) The Legislature shall file a copy of the House block equivalency file enacted by the Legislature and the resulting House shapefile with the lieutenant governor's office.
 - (b) The legal boundaries of House districts are contained in the House shapefile on file with the lieutenant governor's office.

- (2)
 - (a) The lieutenant governor shall:
 - (i) verify the House block equivalency file that the Legislature files under Subsection (1) using block equivalency file security code "12aedd41d1bb9feedeee526ed9f74eb2" and the corresponding House shapefile;
 - (ii) generate maps of each House district from the House shapefile; and
 - (iii) ensure that the district maps are available for viewing on the lieutenant governor's website.
 - (b) If there is any inconsistency between the district maps and the House shapefile resulting from the House block equivalency file, the House shapefile is controlling.

Amended by Chapter 5, 2021 Special Session 2

36-1-202.2 County clerk, Utah Geospatial Resource Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

- (1) As used in this section, "redistricting boundary data" means the House shapefile in the possession of the lieutenant governor's office.
- (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.
- (3)
 - (a) A county clerk may create one or more county maps that identify the boundaries of House districts as generated from the redistricting boundary data.
 - (b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of House districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for review.
 - (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial Resource Center shall:
 - (i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of House districts established by the Legislature in the redistricting boundary data;
 - (ii) determine whether the county map and data are correct or incorrect; and
 - (iii) communicate those findings to the lieutenant governor.
 - (d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.
 - (e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:
 - (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
 - (ii) resubmit the corrected county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (3).
- (4)
 - (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each House district according to the procedures and requirements of Section 20A-5-303.
 - (b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Utah Geospatial Resource Center for review.

- (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah Geospatial Resource Center shall:
 - (i) review the voting precinct map to evaluate if the county map accurately reflects the boundaries of House districts established by the Legislature in the redistricting boundary data;
 - (ii) determine whether the voting precinct map is correct or incorrect; and
 - (iii) communicate those findings to the lieutenant governor.
- (d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.
- (e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:
 - (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
 - (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (4).

Amended by Chapter 5, 2021 Special Session 2

36-1-203 Omissions from maps -- How resolved.

- (1) If any area of the state is omitted from a Utah State House of Representatives district in the House shapefile in the possession of the lieutenant governor's office, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate House district according to the requirements of Subsections (2) and (3).
- (2) If the omitted area is surrounded by a single House district, the county clerk shall attach the area to that district.
- (3) If the omitted area is contiguous to two or more House districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.
- (4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 5, 2021 Special Session 2

36-1-204 Uncertain boundaries -- How resolved.

- (1) As used in this section:
 - (a) "Affected party" means:
 - (i) a representative whose Utah State House of Representatives district boundary is uncertain because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the representative or another individual resides in a particular House district;
 - (ii) a candidate for representative whose House district boundary is uncertain because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular House district; or
 - (iii) an individual who is uncertain about which House district contains the individual's residence because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified.

- (b) "Feature" means a geographic or other identifiable tangible or intangible object such as a road or political subdivision boundary that is used to establish a House district boundary.
- (2)
- (a) An affected party may file a written request petitioning the lieutenant governor to determine:
 - (i) the precise location of the House district boundary;
 - (ii) the number of the House district in which an individual resides; or
 - (iii) both Subsections (2)(a)(i) and (ii).
 - (b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:
 - (i) the House block equivalency file and the resulting House shapefile; and
 - (ii) any other relevant data such as aerial photographs, aerial maps, or other data about the area.
 - (c) Within five days of receipt of the request, the lieutenant governor shall:
 - (i) complete the review described in Subsection (2)(b); and
 - (ii) make a determination.
 - (d) When the lieutenant governor determines the location of the House district boundary, the lieutenant governor shall:
 - (i) prepare a certification identifying the appropriate House district boundary and attaching a map, if necessary; and
 - (ii) send a copy of the certification to:
 - (A) the affected party;
 - (B) the county clerk of the affected county; and
 - (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
 - (e) If the lieutenant governor determines the number of the House district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:
 - (i) the individual;
 - (ii) the affected party who filed the petition, if different than the individual whose House district number was identified; and
 - (iii) the county clerk of the affected county.

Amended by Chapter 5, 2021 Special Session 2

Chapter 2

Employees and Compensation

36-2-1 Legislative in-session employees.

In-session employees of the Legislature are those employees who are hired to perform seasonal work associated with a legislative session, and may consist of a journal clerk of the Senate and a journal clerk of the House, a docket clerk of the Senate and a docket clerk of the House, a reading clerk of the Senate and a reading clerk of the House, and such other employees as may be found necessary.

Amended by Chapter 71, 2015 General Session

36-2-2 Salaries and expenses of members -- Compensation of in-session employees.

- (1)
 - (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
 - (b) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary for attendance at a veto-override, special session, and other authorized legislative meetings equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
- (2)
 - (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, the president of the Senate and the speaker of the House of Representatives shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
 - (b) Beginning in 2001 and in each odd-numbered year after that year, the majority and minority leadership of each house shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
- (3) The Legislature shall:
 - (a) establish, by joint rule of the Legislature, the expenses of its members; and
 - (b) ensure that the rules governing expenses are based upon:
 - (i) payment of necessary expenses for attendance during legislative sessions;
 - (ii) a mileage allowance; and
 - (iii) reimbursement for other expenses involved in the performance of legislative duties.
- (4)
 - (a) The Legislature shall establish the compensation of in-session employees by joint resolution at each session of the Legislature.
 - (b) For necessary work done by in-session employees of the Legislature after the adjournment of a session, the presiding officer of the house employing that work shall approve payment for the work.

Amended by Chapter 133, 2010 General Session

36-2-3 Salaries of members set by Legislature and State Board of Education based on recommendations of Legislative Compensation Commission.

- (1)
 - (a) Except as provided in Subsection (2) or (3), the salaries of members of the Legislature shall automatically be set beginning January 1 of each odd-numbered year at the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the preceding even-numbered year.
 - (b) This salary recommendation shall be based on either:
 - (i) a daily basis:
 - (A) for each calendar day for annual general sessions; and
 - (B) for each day a legislator attends veto-override and special sessions and other authorized legislative meetings; or

- (ii) an annualized salary.
- (c) In preparing its report, the commission may recommend salary amounts that:
 - (i) take into account the amounts received by legislators for legislative expenses; and
 - (ii) provide alternative salary amounts based upon the occurrence of various contingencies.
- (2)
 - (a) During an even-numbered annual general session or special session in the year immediately preceding the effective date of any salary change, the Legislature may reject or decrease the salary recommendation, but may not increase the salary recommendation.
 - (b) If the Legislature does not act as provided in Subsection (2)(a), they have by law accepted the Legislative Compensation Commission's recommendations contained in the last report issued by the commission in the preceding even-numbered year.
- (3) If the last report issued by the commission in an even-numbered year recommends a salary contingent upon certain action being taken by the Legislature, that contingent legislative salary:
 - (a) takes effect on the day after the day that the contingent action is taken by the Legislature; and
 - (b) supersedes any other salary in effect as of January 1.
- (4)
 - (a) The salary for a member of the State Board of Education shall be:
 - (i) the same as the salary for a member of the Legislature; and
 - (ii) except as provided in Subsection (4)(b), set in accordance with this section and Subsection 36-2-2(1).
 - (b) For purposes of setting the salary for a member of the State Board of Education:
 - (i) a calendar day for the annual general session described in Subsection (1)(b)(i)(A) is interpreted as a calendar day of:
 - (A) a meeting of the State Board of Education; and
 - (B) any other meeting authorized by the State Board of Education; and
 - (ii) unless the Legislative Compensation Commission issues a revised report on or after July 1, 2016, the salary for a member of the State Board of Education through calendar year 2016 is \$273 per day for each calendar day that a member attends a meeting described in Subsection (4)(b)(i)(A) or (B).

Amended by Chapter 61, 2016 General Session

36-2-4 Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.

- (1) There is created a state Legislative Compensation Commission composed of seven members appointed by the governor, not more than four of whom shall be from the same political party.
- (2)
 - (a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.
 - (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.
- (3) In appointing members of the commission, the governor shall give consideration to achieving representation from the major geographic areas of the state, and representation from a broad cross section of occupational, professional, employee, and management interests.
- (4) The commission shall select a chair. Four members of the commission shall constitute a quorum. The commission shall not make any final determination without the concurrence of

a majority of the commission's members appointed and serving on the commission being present.

- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6)
 - (a) The commission shall be a citizen commission and no member or employee of the legislative, judicial, or executive branch is eligible for appointment to the commission.
 - (b) The executive director of the Governor's Office of Planning and Budget:
 - (i) shall provide staff to the commission; and
 - (ii) is responsible for administration, budgeting, procurement, and related management functions for the commission.

Amended by Chapter 382, 2021 General Session

36-2-5 Duties of Legislative Compensation Commission.

- (1) The Legislative Compensation Commission shall:
 - (a) study and formulate recommendations concerning the salary levels for Utah state legislators;
 - (b) base the study and recommendations upon maintaining a citizen Legislature in Utah, but compensating members fairly for their service in order that all individuals would have an opportunity to serve;
 - (c) in developing recommendations, consider the salaries of other similar state legislators and other such factors; and
 - (d) submit to each member of the Legislature, by January 2nd of each even-numbered year, recommendations:
 - (i) concerning changes, if any, which should be made in the salary plan and its administration for state legislators; and
 - (ii) include a recitation of the provisions of Section 36-2-3.
- (2) The Legislative Compensation Commission may issue reports subsequent to January 2 of an even-numbered year containing revised salary recommendations, including salary recommendations contingent upon certain action being taken by the Legislature.
- (3) As provided in Subsection 36-2-3(1)(c), in formulating its recommendations, the commission may take into account the amounts received by legislators for legislative expenses, but may not review the propriety of, or recommend amounts for, legislative expenses.

Amended by Chapter 133, 2010 General Session

**Chapter 3
Legislative Sessions and Legislation**

**Part 2
Legislative Sessions**

36-3-201 Beginning date of annual general session.

The annual general session of the Legislature shall begin the first Tuesday after the third Monday in January.

Enacted by Chapter 383, 2020 General Session

Part 3 Legislation

36-3-301 Enacting clause.

- (1) The enacting clause of every law passed by the Legislature shall be: "Be it enacted by the Legislature of the state of Utah."
- (2) The enacting clause of every law passed by the vote of the people as provided in Article VI, Section 1, of the Constitution of Utah shall be: "Be it enacted by the People of the state of Utah."

Renumbered and Amended by Chapter 383, 2020 General Session

36-3-306 Enrolling of bills.

All bills ordered enrolled by the Legislature shall be delivered to the Office of Legislative Research and General Counsel, who shall without delay enroll the bills and return them to the Senate or the House of Representatives.

Amended by Chapter 21, 2023 General Session

Chapter 5 Legislative Area on Capitol Hill

36-5-1 Reservation of area for Legislature -- Duties of Legislative Management Committee.

- (1) As used in this section:
 - (a) "Architectural integrity" means the architectural elements, materials, color, and quality of the original building construction.
 - (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:
 - (i) the White Community Memorial Chapel and its grounds and parking areas, and the Council Hall Travel Information Center building and its grounds and parking areas;
 - (ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;
 - (iii) the state-owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and
 - (iv) the state-owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.

- (c) "House Building" means the west building on capitol hill that is located northwest of the State Capitol and southwest of the State Office Building.
 - (d) "Legislative area" means the buildings, chambers, rooms, hallways, lounges, parking lots, and parking garages designated by this section as being subject to legislative control.
 - (e) "Senate Building" means the east building on capitol hill that is located northeast of the State Capitol and southeast of the State Office Building.
 - (f) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
 - (g) "State Capitol Preservation Board" or "board" is as created in Section 63C-9-201.
- (2) The legislative area on capitol hill includes:
- (a) in the State Capitol:
 - (i) on the fourth floor: the entire floor and the stairs and elevators on the east and west side, except the four art galleries and the four closets on the interior of the State Capitol which are immediately around the art galleries are under the supervision of the board;
 - (ii) on the third floor: the entire floor, including the stairs and elevators on the east and west side of the third floor, except:
 - (A) the Supreme Court chambers which is to be controlled and scheduled by the Legislature during any general or special session of the Legislature and on interim days and controlled and scheduled by the Secretary of the Senate on all other days;
 - (B) one office on the southeast side by the Senate Rules Room which is to be controlled by the Senate during any general or special session of the Legislature and on interim days, and shared with the Supreme Court as scheduled through the Secretary of the Senate on all other days; and
 - (C) the Senate Rules Room, which Senate Rules Room is to be controlled by the Senate during any general or special session of the Legislature and on interim days, and shared with the Supreme Court as scheduled through the Secretary of the Senate on all other days;
 - (iii) on the second floor: a committee room on the northeast side which is to be controlled and scheduled by the Legislature during any general or special session of the Legislature and on interim days and controlled and scheduled by the State Capitol Preservation Board on all other days;
 - (iv) on the first floor: no legislative space; and
 - (v) on the basement level:
 - (A) the Office of Legislative Printing; and
 - (B) the audio/video control rooms are to be controlled by the Legislature and the governor and scheduled by the Legislature, and the maintenance of the control rooms shall be by the State Capitol Preservation Board at the direction of the Legislature and the governor;
 - (b) the entire House Building;
 - (c) in the Senate Building:
 - (i) on the third floor: no legislative space;
 - (ii) on the second floor: the entire floor, including the secured elevator, is legislative space;
 - (iii) on the first floor: the secured corridor to the secured elevator is legislative and executive space controlled by the State Capitol Preservation Board; and
 - (iv) on the basement level: the secured elevator is legislative space; and
 - (d)
 - (i) the parking stalls in the underground parking facility located directly east of the House Building and below the central plaza;
 - (ii) 52 of the parking stalls in the above ground parking lot known as Lot G located north of the House Building and west of the State Office Building;

- (iii) 26 of the parking stalls in the underground parking located directly under the Senate Building; and
 - (iv) 58 of the parking stalls in the underground parking facility directly east of the Senate Building.
- (3)
 - (a) The legislative area is reserved for the use and occupancy of the Legislature and its committees and for legislative functions.
 - (b) The Legislative Management Committee shall delegate oversight of designated portions of the legislative parking areas to the State Capitol Preservation Board for use by the executive branch on nonlegislative days.
- (4) The data centers in the House Building, Senate Building, and State Capitol which are associated with the House, Senate, or legislative staff space are the responsibility of the Legislature, and the maintenance of these data centers shall be by the State Capitol Preservation Board at the direction of the Legislature.
- (5) The Legislative Management Committee shall exercise complete jurisdiction over the legislative area, except for the following, which are the responsibility of the State Capitol Preservation Board:
 - (a) the architectural integrity of the legislative area, including:
 - (i) restored historic architectural or design features;
 - (ii) historic color schemes, decorative finishes, and stenciling;
 - (iii) decorative light fixtures; and
 - (iv) flooring;
 - (b) control of the central mechanical and electrical core of the House Building, Senate Building, and State Capitol on all floors;
 - (c) control of the enclosure of the House Building, Senate Building, and State Capitol from the exterior of the building to the interior of the exterior wall;
 - (d) the roof of the House Building, Senate Building, and State Capitol;
 - (e) the utility and security tunnels between the underground parking structure and the House Building, Senate Building, and State Capitol;
 - (f) rest rooms of the House Building, Senate Building, and State Capitol;
 - (g) maintenance of all the elevators and stairways in the House Building, Senate Building, and State Capitol; and
 - (h) those functions the Legislative Management Committee delegates in writing to be performed by the State Capitol Preservation Board.
- (6)
 - (a) The communications centers in the Senate Building and State Capitol which are associated with the House, Senate, or legislative staff space or are associated with the governor, lieutenant governor, or their staff space are the shared responsibility of the State Capitol Preservation Board, the Legislature, and the governor.
 - (b) The communications centers in the House Building which are associated with the House, Senate, or legislative staff space are the shared responsibility of the State Capitol Preservation Board and the Legislature.

Amended by Chapter 314, 2015 General Session

Chapter 7a

State Participation in The Energy Council

Part 6

State Participation in The Energy Council

36-7a-601 State participation in The Energy Council -- Membership -- Duties.

- (1) As used in this section, "member" means a legislator appointed under the requirements of this section to participate in The Energy Council.
- (2) The Legislature shall participate in and appoint members to The Energy Council, a nonpartisan legislative organization that provides a forum for legislators from energy producing states to discuss and collaborate on energy policy.
- (3) The Legislature shall appoint four members to The Energy Council as follows:
 - (a) two senators, appointed by the president of the Senate; and
 - (b) two representatives, appointed by the speaker of the House.
- (4) Members shall:
 - (a) as able, participate in conferences and meetings of The Energy Council; and
 - (b) upon request, report on their activities to the Natural Resources, Agriculture, and Environment Interim Committee and the Public Utilities, Energy, and Technology Interim Committee.
- (5) The compensation and expenses of a member shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Lodging, Meal, and Transportation Expenses.
- (6) The Office of Legislative Research and General Counsel shall provide staff assistance to a member as requested.

Enacted by Chapter 228, 2023 General Session

Chapter 11

Lobbyist Disclosure and Regulation Act

Part 1

General Provisions and Registration

36-11-101 Short title.

This chapter is known as the "Lobbyist Disclosure and Regulation Act."

Enacted by Chapter 280, 1991 General Session

36-11-102 Definitions.

As used in this chapter:

- (1) "Aggregate daily expenditures" means:
 - (a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;
 - (b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

- (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.
- (2) "Approved activity" means an event, a tour, or a meeting:
 - (a)
 - (i) to which a legislator or another nonexecutive branch public official is invited; and
 - (ii) attendance at which is approved by:
 - (A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives or another nonexecutive branch public official; or
 - (B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or
 - (b)
 - (i) to which a public official who holds a position in the executive branch of state government is invited; and
 - (ii) attendance at which is approved by the governor or the lieutenant governor.
- (3) "Board of education" means:
 - (a) a local school board described in Title 53G, Chapter 4, School Districts;
 - (b) the State Board of Education;
 - (c) the State Charter School Board created under Section 53G-5-201; or
 - (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- (4) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.
- (5)
 - (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.
 - (b) "Compensation" includes:
 - (i) a salary or commission;
 - (ii) a bonus;
 - (iii) a benefit;
 - (iv) a contribution to a retirement program or account;
 - (v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject to social security deductions, including a payment in excess of the maximum amount subject to deduction under social security law;
 - (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or
 - (vii) income based on an individual's ownership interest.
- (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:
 - (a) because of the public official's ownership interest in the compensation payor; or
 - (b) for services rendered by the public official on behalf of the compensation payor.
- (7) "Education action" means:
 - (a) a resolution, policy, or other official action for consideration by a board of education;
 - (b) a nomination or appointment by an education official or a board of education;
 - (c) a vote on an administrative action taken by a vote of a board of education;
 - (d) an adjudicative proceeding over which an education official has direct or indirect control;
 - (e) a purchasing or contracting decision;
 - (f) drafting or making a policy, resolution, or rule;
 - (g) determining a rate or fee; or

- (h) making an adjudicative decision.
- (8) "Education official" means:
 - (a) a member of a board of education;
 - (b) an individual appointed to or employed in a position under a board of education, if that individual:
 - (i) occupies a policymaking position or makes purchasing or contracting decisions;
 - (ii) drafts resolutions or policies or drafts or makes rules;
 - (iii) determines rates or fees;
 - (iv) makes decisions relating to an education budget or the expenditure of public money; or
 - (v) makes adjudicative decisions; or
 - (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.
- (10) "Executive action" means:
 - (a) a nomination or appointment by the governor;
 - (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (c) agency ratemaking proceedings; or
 - (d) an adjudicative proceeding of a state agency.
- (11)
 - (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:
 - (i) a purchase, payment, or distribution;
 - (ii) a loan, gift, or advance;
 - (iii) a deposit, subscription, or forbearance;
 - (iv) services or goods;
 - (v) money;
 - (vi) real property;
 - (vii) a ticket or admission to an event; or
 - (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (11)(a)(i) through (vii).
 - (b) "Expenditure" does not mean:
 - (i) a commercially reasonable loan made in the ordinary course of business;
 - (ii) a campaign contribution:
 - (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
 - (B) lawfully given to a person that is not required to report the contribution under a law or ordinance described in Subsection (11)(b)(ii)(A);
 - (iii) printed informational material that is related to the performance of the recipient's official duties;
 - (iv) a devise or inheritance;
 - (v) any item listed in Subsection (11)(a) if:
 - (A) given by a relative;
 - (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a public official;

- (C) the item is food or beverage with a value that does not exceed the food reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed the food reimbursement rate; or
- (D) the item is not food or beverage, has a value of less than \$10, and the aggregate daily expenditures do not exceed \$10;
- (vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are invited:
 - (A) all members of the Legislature;
 - (B) all members of a standing or interim committee;
 - (C) all members of an official legislative task force;
 - (D) all members of a party caucus; or
 - (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;
- (vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:
 - (A) giving a speech at the event, tour, or meeting;
 - (B) participating in a panel discussion at the event, tour, or meeting; or
 - (C) presenting or receiving an award at the event, tour, or meeting;
- (viii) a plaque, commendation, or award that:
 - (A) is presented in public; and
 - (B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or award;
- (ix) a gift that:
 - (A) is an item that is not consumable and not perishable;
 - (B) a public official, other than a local official or an education official, accepts on behalf of the state;
 - (C) the public official promptly remits to the state;
 - (D) a property administrator does not reject under Section 63G-23-103;
 - (E) does not constitute a direct benefit to the public official before or after the public official remits the gift to the state; and
 - (F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift or benefit to one or more public officials in a manner that would otherwise qualify the gift as an expenditure if the gift were given directly to a public official;
- (x) any of the following with a cash value not exceeding \$30:
 - (A) a publication; or
 - (B) a commemorative item;
- (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:
 - (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);
 - (B) to solicit a campaign contribution that a person is not required to report under a law or ordinance described in Subsection (11)(b)(xi)(A); or
 - (C) charitable solicitation, as defined in Section 13-22-2;
- (xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;
- (xiii) sponsorship of an approved activity;

- (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:
 - (A) that is sponsored by a governmental entity;
 - (B) that is widely attended and related to a governmental duty of a public official;
 - (C) for a local official, that is sponsored by an organization that represents only local governments, including the Utah Association of Counties, the Utah League of Cities and Towns, or the Utah Association of Special Districts; or
 - (D) for an education official, that is sponsored by a public school, a charter school, or an organization that represents only public schools or charter schools, including the Utah Association of Public Charter Schools, the Utah School Boards Association, or the Utah School Superintendents Association; or
- (xv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that travel results in a financial savings to:
 - (A) for a public official who is not a local official or an education official, the state; or
 - (B) for a public official who is a local official or an education official, the local government or board of education to which the public official belongs.
- (12) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.
- (13)
 - (a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.
 - (b) "Foreign agent" does not include an individual who is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul.
- (14) "Foreign government" means a government other than the government of:
 - (a) the United States;
 - (b) a state within the United States;
 - (c) a territory or possession of the United States; or
 - (d) a political subdivision of the United States.
- (15)
 - (a) "Government officer" means:
 - (i) an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;
 - (ii) an individual elected to a board of education, when acting in the capacity of a member of a board of education;
 - (iii) an individual appointed to fill a vacancy in a position described in Subsection (15)(a)(i) or (ii), when acting in the capacity of the position; or
 - (iv) an individual appointed to or employed in a full-time position by state government, local government, or a board of education, when acting in the capacity of the individual's appointment or employment.
 - (b) "Government officer" does not mean a member of the legislative branch of state government.
- (16) "Immediate family" means:
 - (a) a spouse;
 - (b) a child residing in the household; or
 - (c) an individual claimed as a dependent for tax purposes.
- (17) "Legislative action" means:

- (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or proposed in either house of the Legislature or its committees or requested by a legislator; and
 - (b) the action of the governor in approving or vetoing legislation.
- (18) "Lobbying" means communicating with a public official for the purpose of influencing a legislative action, executive action, local action, or education action.
- (19)
- (a) "Lobbyist" means:
 - (i) an individual who is employed by a principal; or
 - (ii) an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.
 - (b) "Lobbyist" does not include:
 - (i) a government officer;
 - (ii) a member or employee of the legislative branch of state government;
 - (iii) a person, including a principal, while appearing at, or providing written comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;
 - (iv) a person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature, a local government, a board of education, or any agency or department of state government, except legislative standing, appropriation, or interim committees;
 - (v) a representative of a political party;
 - (vi) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official;
 - (vii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative action, executive action, local action, or education action;
 - (viii) an individual who appears on the individual's own behalf before a committee of the Legislature, an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to legislative action, executive action, local action, or education action; or
 - (ix) an individual representing a business, entity, or industry, who:
 - (A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and
 - (B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.
- (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.
- (21) "Local action" means:
- (a) an ordinance or resolution for consideration by a local government;
 - (b) a nomination or appointment by a local official or a local government;
 - (c) a vote on an administrative action taken by a vote of a local government's legislative body;

- (d) an adjudicative proceeding over which a local official has direct or indirect control;
 - (e) a purchasing or contracting decision;
 - (f) drafting or making a policy, resolution, or rule;
 - (g) determining a rate or fee; or
 - (h) making an adjudicative decision.
- (22) "Local government" means:
- (a) a county, city, town, or metro township;
 - (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
 - (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;
 - (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
 - (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
 - (f) a redevelopment agency; or
 - (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.
- (23) "Local official" means:
- (a) an elected member of a local government;
 - (b) an individual appointed to or employed in a position in a local government if that individual:
 - (i) occupies a policymaking position or makes purchasing or contracting decisions;
 - (ii) drafts ordinances or resolutions or drafts or makes rules;
 - (iii) determines rates or fees; or
 - (iv) makes adjudicative decisions; or
 - (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.
- (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.
- (26) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.
- (27) "Public official" means:
- (a)
 - (i) a member of the Legislature;
 - (ii) an individual elected to a position in the executive branch of state government; or
 - (iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:
 - (A) occupies a policymaking position or makes purchasing or contracting decisions;
 - (B) drafts legislation or makes rules;
 - (C) determines rates or fees; or
 - (D) makes adjudicative decisions;
 - (b) an immediate family member of a person described in Subsection (27)(a);
 - (c) a local official; or
 - (d) an education official.
- (28) "Public official type" means a notation to identify whether a public official is:
- (a)
 - (i) a member of the Legislature;
 - (ii) an individual elected to a position in the executive branch of state government;

- (iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
 - (iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
 - (v) a local official, including a description of the type of local government for which the individual is a local official; or
 - (vi) an education official, including a description of the type of board of education for which the individual is an education official; or
- (b) an immediate family member of an individual described in Subsection (27)(a), (c), or (d).
- (29) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).
- (30) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.
- (31) "Relative" means:
- (a) a spouse;
 - (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
 - (c) a spouse of an individual described in Subsection (31)(b).
- (32) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not primarily for entertainment, including:
- (a) viewing a facility;
 - (b) viewing the sight of a natural disaster; or
 - (c) assessing a circumstance in relation to which a public official may need to take action within the scope of the public official's duties.

Amended by Chapter 16, 2023 General Session

36-11-103 Licensing requirements.

- (1)
- (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the lieutenant governor by completing the form required by this section.
 - (b) The lieutenant governor shall issue licenses to qualified lobbyists.
 - (c) The lieutenant governor shall prepare a lobbyist license application form that includes:
 - (i) a place for the lobbyist's name and business address;
 - (ii) a place for the following information for each principal for whom the lobbyist works or is hired as an independent contractor:
 - (A) the principal's name;
 - (B) the principal's business address;
 - (C) the name of each public official that the principal employs and the nature of the employment with the public official; and
 - (D) the general purposes, interests, and nature of the principal;
 - (iii) a place for the name and address of the person who paid or will pay the lobbyist's licensing fee, if the fee is not paid by the lobbyist;
 - (iv) a place for the lobbyist to disclose:
 - (A) any elected or appointed position that the lobbyist holds in state or local government, if any; and
 - (B) the name of each public official that the lobbyist employs and the nature of the employment with the public official, if any;

- (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist will be reimbursed;
 - (vi) a statement that an individual is required to register as a foreign agent under Section 36-11-103.5 before engaging in lobbying on behalf of a foreign government;
 - (vii) a place for the lobbyist to indicate whether the lobbyist would like to register as a foreign agent; and
 - (viii) a certification to be signed by the lobbyist that certifies that the information provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and belief.
- (2) Each lobbyist who obtains a license under this section shall update the licensure information when the lobbyist accepts employment for lobbying by a new client.
- (3)
- (a) Except as provided in Subsection (4), the lieutenant governor shall grant a lobbying license to an applicant who:
 - (i) files an application with the lieutenant governor that contains the information required by this section and, if applicable, Section 36-11-103.5;
 - (ii) completes the training required by Section 36-11-307; and
 - (iii) pays a \$60 licensing fee.
 - (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 each year.
- (4)
- (a) The lieutenant governor may disapprove an application for a lobbying license:
 - (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;
 - (ii) if, within one year before the date of the lobbying license application, the applicant is convicted of a violation of:
 - (A) Section 76-8-104; or
 - (B) Section 76-9-102, if the violation is a misdemeanor that occurs at an official meeting;
 - (iii) during the term of any suspension imposed under Section 36-11-401;
 - (iv) if the applicant has not complied with Subsection 36-11-307(6);
 - (v) during the term of a suspension imposed under Subsection 36-11-501(3);
 - (vi) if the lobbyist fails to pay a fine imposed under Subsection 36-11-501(3);
 - (vii) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:
 - (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or
 - (B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information; or
 - (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24, Lobbying Restrictions Act.
 - (b) An applicant may appeal the disapproval in accordance with the procedures established by the lieutenant governor under this chapter and Title 63G, Chapter 4, Administrative Procedures Act.
- (5) The lieutenant governor shall deposit each licensing fee into the General Fund as a dedicated credit to be used by the lieutenant governor to pay the cost of administering the license program described in this section.
- (6) A principal need not obtain a license under this section, but if the principal makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

- (7) Government officers need not obtain a license under this section, but shall disclose any expenditures made to benefit public officials as required by Section 36-11-201.
- (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the reports by Section 36-11-201.

Amended by Chapter 125, 2022 General Session

36-11-103.5 Registering as foreign agent.

- (1) Before engaging in lobbying as a foreign agent, a foreign agent shall register with the lieutenant governor under this section.
- (2) If a lobbyist indicates on the lobbyist license application form described in Section 36-11-103, or otherwise indicates to the lieutenant governor that the lobbyist would like to register as a foreign agent, the lieutenant governor shall provide the lobbyist a foreign agent registration form that includes:
 - (a) a place for the lobbyist's name, address, business telephone number, and principal place of business;
 - (b) a place for the lobbyist to list each foreign government for which the lobbyist is registering as a foreign agent;
 - (c) a place for the lobbyist to describe the issues on which the lobbyist expects to engage in lobbying as a foreign agent; and
 - (d) a certification for the lobbyist to sign, certifying that the information the lobbyist provides in the form is true, accurate, and complete.
- (3)
 - (a) A lobbyist who registers as a foreign agent under this section shall update the information in the lobbyist's foreign agent registration form when the lobbyist agrees to lobby on behalf of a foreign government that is not listed in the lobbyist's foreign agent registration form.
 - (b) A lobbyist may not lobby on behalf of a foreign government that is not listed in the lobbyist's foreign agent registration form.

Enacted by Chapter 125, 2022 General Session

36-11-106 Financial reports are public documents.

- (1) Any person may:
 - (a) without charge, inspect a lobbyist license application, foreign agent registration form, or financial report filed with the lieutenant governor in accordance with this chapter; and
 - (b) make a copy of an application, form, or financial report described in Subsection (1)(a) after paying for the actual costs of the copy.
- (2) The lieutenant governor shall make financial reports filed in accordance with this chapter available for viewing on the Internet at the lieutenant governor's website within seven calendar days after the day on which the report is received by the lieutenant governor.

Amended by Chapter 125, 2022 General Session

**Part 2
Disclosure of Expenditures**

36-11-201 Lobbyist, principal, and government officer financial reporting requirements -- Prohibition for related person to make expenditures.

- (1)
 - (a)
 - (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial reports with the lieutenant governor on or before the due dates specified in Subsection (2).
 - (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is not required to file a quarterly financial report for that quarterly reporting period.
 - (iii) A lobbyist who is not required to file any quarterly reports under this section for a calendar year shall, on or before January 10 of the following year, file a financial report listing the amount of the expenditures for the entire preceding year as "none."
 - (b) Except as provided in Subsection (1)(c), a government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.
 - (c)
 - (i) As used in this Subsection (1)(c), "same local government type" means:
 - (A) for a county government, the same county government or another county government;
 - (B) for a municipal government, the same municipal government or another municipal government;
 - (C) for a board of education, the same board of education;
 - (D) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;
 - (E) for a special district, the same special district or another special district or a special service district;
 - (F) for a special service district, the same special service district or another special service district or a special district; or
 - (G) for a participant in an interlocal agreement, another participant in the same interlocal agreement.
 - (ii) A local official or an education official is not required, under this section, to report an expenditure made by the local official or education official to another local official or education official of the same local government type as the local official or education official making the expenditure.
- (2)
 - (a) A financial report is due quarterly on the following dates:
 - (i) April 10, for the period of January 1 through March 31;
 - (ii) July 10, for the period of April 1 through June 30;
 - (iii) October 10, for the period of July 1 through September 30; and
 - (iv) January 10, for the period of October 1 through December 31 of the previous year.
 - (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday, the report is due on the next succeeding business day.
 - (c) A financial report is timely filed if it is filed electronically before the close of regular office hours on or before the due date.
- (3) A financial report shall contain:
 - (a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;

- (b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;
 - (c) for the financial report due on January 10:
 - (i) the total amount of expenditures made to benefit any public official during the last calendar year; and
 - (ii) the total amount of expenditures made, by the type of public official, during the last calendar year;
 - (d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:
 - (i) each travel destination and each lodging location;
 - (ii) the name of each public official who benefitted from the expenditure on travel or lodging;
 - (iii) the public official type of each public official named;
 - (iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and
 - (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
 - (e) a disclosure of aggregate daily expenditures greater than \$10 made during the quarterly reporting period including:
 - (i) the date and purpose of the expenditure;
 - (ii) the location of the expenditure;
 - (iii) the name of any public official benefitted by the expenditure;
 - (iv) the type of the public official benefitted by the expenditure; and
 - (v) the total monetary worth of the benefit that the expenditure conferred on any public official;
 - (f) for each public official who was employed by the lobbyist, principal, or government officer, a list that provides:
 - (i) the name of the public official; and
 - (ii) the nature of the employment with the public official;
 - (g) each bill or resolution, by number and short title, on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;
 - (h) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;
 - (i) a description of each local action or education action regarding which the lobbyist, principal, or government officer made an expenditure to a local official or education official;
 - (j) the general purposes, interests, and nature of the entities that the lobbyist, principal, or government officer filing the report represents; and
 - (k) for a lobbyist, a certification that the information provided in the report is true, accurate, and complete to the lobbyist's best knowledge and belief.
- (4) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official under circumstances that would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer.
- (5) The lieutenant governor shall:
- (a)
 - (i) develop a preprinted form for a financial report required by this section; and
 - (ii) make copies of the form available to a lobbyist, principal, or government officer who requests a form; and
 - (b) provide a reporting system that allows a lobbyist, principal, or government officer to submit a financial report required by this chapter via the Internet.
- (6)

- (a) A lobbyist and a principal shall continue to file a financial report required by this section until the lobbyist or principal files a statement with the lieutenant governor that:
 - (i)
 - (A) for a lobbyist, states that the lobbyist has ceased lobbying activities; or
 - (B) for a principal, states that the principal no longer employs an individual as a lobbyist;
 - (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;
 - (iii) contains a listing, as required by this section, of all previously unreported expenditures that have been made through the date of the statement; and
 - (iv) states that the lobbyist or principal will not make any additional expenditure that is not disclosed on the statement unless the lobbyist or principal complies with the disclosure and licensing requirements of this chapter.
- (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required to file a financial report under this section is required to file the report quarterly until the lobbyist or principal files the statement required by Subsection (6)(a).

Amended by Chapter 16, 2023 General Session

Part 3

Regulation of Lobbyists' Activities

36-11-301 Contingent compensation prohibited.

A person may not employ or solicit another to serve as a lobbyist for compensation contingent in whole or part upon the passage, defeat, or amendment of legislative action or the approval, modification, or denial of a certain executive action.

Enacted by Chapter 280, 1991 General Session

36-11-302 Improper influence -- Communication with a legislator's employer prohibited.

A person may not seek to influence the vote of any legislator through communication with the legislator's employer.

Enacted by Chapter 280, 1991 General Session

36-11-303 Prohibition on communicating false information to a public officer.

A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.

Enacted by Chapter 280, 1991 General Session

36-11-304 Expenditures over certain amounts prohibited -- Exceptions.

- (1) Except as provided in Subsection (2) or (3), a lobbyist, principal, or government officer may not make or offer to make aggregate daily expenditures that exceed:
 - (a) for food or beverage, the food reimbursement rate; or
 - (b) \$10 for expenditures other than food or beverage.
- (2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed the limits described in Subsection (1):

- (a) for the following items, if the expenditure is reported in accordance with Section 36-11-201:
 - (i) food;
 - (ii) beverage;
 - (iii) travel;
 - (iv) lodging; or
 - (v) admission to or attendance at a tour or meeting that is not an approved activity; or
 - (b) if the expenditure is made for a purpose solely unrelated to the public official's position as a public official.
- (3)
- (a) As used in this Subsection (3), "same local government type" means:
 - (i) for a county government, the same county government or another county government;
 - (ii) for a municipal government, the same municipal government or another municipal government;
 - (iii) for a board of education, the same board of education;
 - (iv) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;
 - (v) for a special district, the same special district or another special district or a special service district;
 - (vi) for a special service district, the same special service district or another special service district or a special district; or
 - (vii) for a participant in an interlocal agreement, another participant in the same interlocal agreement.
 - (b) This section does not apply to an expenditure made by a local official or an education official to another local official or education official of the same local government type as the local official or education official making the expenditure.

Amended by Chapter 16, 2023 General Session

36-11-304.5 Disposal of publications.

If a lobbyist, principal, or government officer makes an expenditure, in the form of a publication, to a public official, the public official may return the publication to the lobbyist, principal, or government officer, donate the publication to a charity or a government entity, or destroy the publication.

Enacted by Chapter 264, 2015 General Session

36-11-305 Campaign contribution during session prohibited.

- (1) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to any of the following during the time the Legislature is convened in annual general session, veto override session, or special session:
 - (a)
 - (i) a legislator;
 - (ii) the lieutenant governor;
 - (iii) the attorney general;
 - (iv) the state auditor; or
 - (v) the state treasurer;
 - (b) the personal campaign committee of an individual described in Subsection (1)(a); or

- (c) a political action committee controlled by a person described in Subsection (1)(a).
- (2) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to the governor, the governor's personal campaign committee, or a political action committee controlled by the governor during the time the Legislature is convened in annual general session, veto override session, special session, or during the time period established by the Utah Constitution, Article VII, Section 8, for the governor to approve or veto bills passed by the Legislature in the annual general session.
- (3) Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 139, 2018 General Session

36-11-305.5 Lobbyist requirements.

- (1) The lieutenant governor shall issue to each lobbyist a name tag that includes:
 - (a) the word "Lobbyist" in at least 18-point type;
 - (b) the first and last name of the lobbyist, in at least 18-point type; and
 - (c) if the lobbyist is registered as a foreign agent under Section 36-11-103.5, the words "Registered Foreign Lobbyist" in at least 14-point type.
- (2) A lobbyist may not lobby a public official while the lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in Subsection (1), with the information described in Subsection (1), in plain view.
- (3) A lobbyist shall, at the beginning of making a communication to a public official that constitutes lobbying, inform the public official of the identity of the principal on whose behalf the lobbyist is lobbying.

Amended by Chapter 125, 2022 General Session

36-11-306 Conflicts of interest.

- (1) As used in this section, "conflict of interest" means a circumstance where:
 - (a) the representation of one principal or client will be directly adverse to another principal or client; or
 - (b) there is a significant risk that the representation of one or more principals or clients will be materially limited by the lobbyist's responsibilities to:
 - (i) another principal or client; or
 - (ii) a personal interest of the lobbyist.
- (2) Except as provided in Subsection (3), a lobbyist may not represent a principal or client if the representation involves a conflict of interest.
- (3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a principal or client if:
 - (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each principal or client;
 - (b) the representation is not otherwise prohibited by law;
 - (c) the representation does not require the lobbyist to assert a position on behalf of one principal or client that is opposed to the position of another principal or client represented by the lobbyist involving the same legislative issue; and
 - (d) each affected principal or client gives informed consent to the conflict of interest in writing.

Enacted by Chapter 233, 2007 General Session

36-11-307 Ethics and unlawful harassment training course for lobbyists -- Internet availability -- Content -- Participation tracking -- Penalty.

- (1) The lieutenant governor shall develop and maintain online training courses educating lobbyists about:
 - (a) federal workplace discrimination and harassment prohibitions and requirements;
 - (b) the Utah Senate's, Utah House's, and the executive branch's policies governing workplace discrimination and harassment prohibitions, policies, and procedures; and
 - (c) state and federal requirements governing lobbyists, including lobbyist ethical requirements.
- (2) A training course described in Subsection (1) shall include training materials and exercises that are available on the Internet to lobbyists and to the public.
- (3) The lieutenant governor shall design the ethics training course to assist lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.
- (4) The lieutenant governor may enter into an agreement with the Division of Human Resource Management to assist the lieutenant governor in providing the workplace discrimination and harassment training described in this section.
- (5) A training course described in this section shall include provisions for verifying when a lobbyist has successfully completed the training.
- (6)
 - (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a lobbying license or a lobbying license renewal:
 - (i) successfully complete the training courses described in this section; and
 - (ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying that the lobbyist has:
 - (A) completed the training courses required by this section; and
 - (B) received, read, understands, and will comply with the workplace discrimination and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive branch.
 - (b) The lieutenant governor may not issue a lobbying license, or renew a lobbying license, until the lieutenant governor has received from the lobbyist the document required by Subsection (6)(a).
- (7) A signature described in Subsection (6)(b) may be an electronic signature.

Amended by Chapter 344, 2021 General Session

**Part 4
Penalties and Statutory Construction**

36-11-401 Penalties.

- (1) Any person who intentionally violates Section 36-11-103, 36-11-103.5, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; and
 - (b) for each subsequent violation of that same section within 24 months, either:
 - (i) an administrative penalty of up to \$5,000; or

- (ii) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (2) Any person who intentionally fails to file a financial report required by this chapter, omits material information from a license application form or financial report, or files false information on a license application form or financial report, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; or
 - (b) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (3) Any person who intentionally fails to file a financial report required by this chapter on the date that it is due shall, in addition to the penalties, if any, imposed under Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.
- (4)
 - (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303, the lieutenant governor shall suspend the lobbyist's license for up to five years from the date of the conviction.
 - (b) When a lobbyist is convicted of violating Section 76-8-104, or Section 76-9-102 if the violation is a misdemeanor that occurs at an official meeting, the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.
- (5)
 - (a) A person who intentionally violates Section 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.
 - (b) The lieutenant governor shall suspend the lobbyist license of any person convicted under any of these sections for up to one year.
 - (c) The suspension shall be in addition to any administrative penalties imposed by the lieutenant governor under this section.
 - (d) Any person with evidence of a possible violation of this chapter may submit that evidence to the lieutenant governor for investigation and resolution.
- (6) Nothing in this chapter creates a third-party cause of action or appeal rights.

Amended by Chapter 125, 2022 General Session

36-11-403 Lobbying without a license.

- (1) No person may engage in any lobbying activities:
 - (a) without the license required by this chapter;
 - (b) during the period of any bar from obtaining a license; or
 - (c) when the license has been suspended or revoked.
- (2) The attorney general may seek injunctive relief against any person violating this section.

Enacted by Chapter 280, 1991 General Session

36-11-404 Lieutenant governor's procedures.

- (1) Except as otherwise provided under Section 36-11-501, the director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that provide:
 - (a) for the appointment of an administrative law judge to adjudicate alleged violations of this chapter and to impose penalties under this chapter; and
 - (b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

- (2) The lieutenant governor shall develop forms needed for the registration and disclosure provisions described in this chapter.

Amended by Chapter 125, 2022 General Session

36-11-405 Construction and interpretation -- Freedom of expression, participation, and press.

- (1) No provision of this chapter may be construed in a manner that limits:
 - (a) a person's right of freedom of expression and participation in government; or
 - (b) freedom of the press.
- (2) This chapter does not prevent a local government or public education entity from enacting an ordinance or adopting a policy, that the local government or public education entity otherwise has the lawful authority to enact or adopt, that is stricter than the requirements of this chapter.

Amended by Chapter 125, 2022 General Session

**Part 5
Unlawful Harassment**

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

- (1) A lobbyist may not engage in conduct that violates:
 - (a) federal workplace discrimination and harassment requirements;
 - (b) Utah Senate or Utah House policies governing workplace discrimination or harassment;
 - (c) Utah executive branch policies governing workplace discrimination or harassment; or
 - (d) any combination of Subsections (1)(a), (b), or (c).
- (2)
 - (a) The lieutenant governor may take an action described in Subsection (3) against a lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an opportunity to be heard, that the lobbyist engaged in a serious violation, or multiple violations, of this section.
 - (b) The lieutenant governor shall post on the lieutenant governor's website a copy of the Utah Senate's harassment policy, the Utah House's harassment policy, and the executive branch's harassment policies.
- (3) If the lieutenant governor makes a finding described in Subsection (2)(a), the lieutenant governor may, taking into account the seriousness of the violation or the seriousness or frequency of multiple violations, do either or both of the following:
 - (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or
 - (b) suspend the lobbyist's license for a period of up to five years.
- (4) A record that relates to an investigation under this section is a protected record, to the extent permitted by Title 63G, Chapter 2, Government Records Access and Management Act.
- (5)
 - (a) A lobbyist who is a victim of workplace discrimination or harassment by an executive worker may file a complaint under the state executive branch's applicable workplace discrimination and harassment policy.
 - (b) A lobbyist who is a victim of workplace discrimination or harassment by a legislative worker may file a complaint under the Utah Senate's workplace discrimination and harassment policy or the Utah House's workplace discrimination and harassment policy.

Enacted by Chapter 339, 2019 General Session

Chapter 12

Legislative Organization

36-12-1 Definitions.

As used in this chapter:

- (1)
 - (a) "Interim committees" means legislative committees that are formed from the membership of each house to function between sessions of the Legislature in order to study subjects of legislative concern.
 - (b) "Interim committees" includes a commission, committee, council, task force, board, or panel, in which legislative participation is required by law, which committee functions between sessions of the Legislature.
- (2) "Legislative director" means the director of the Office of Legislative Research and General Counsel, the legislative fiscal analyst, or the legislative auditor general.
- (3) "Major political party" means either of the two political parties having the greatest number of members elected to the two houses of the Legislature.
- (4) "Professional legislative staff" means the legislative directors and the members of their staffs.
- (5) "Standing committees" means legislative committees organized under the rules of each house of the Legislature for the duration of the legislative biennial term to consider proposed legislation. As used in this chapter, "standing committees" excludes appropriations committees, appropriations subcommittees, and rules committees.

Amended by Chapter 104, 2000 General Session

36-12-2 Standing committees.

Each house of the Legislature at the beginning of each general session shall organize itself into standing committees for the consideration of proposed legislation. The committees shall be organized, their duties determined, and their membership appointed as the rules of each house shall prescribe. This section shall not be construed to prevent the creation of subcommittees, special committees, or ad hoc committees which each house may organize.

Amended by Chapter 226, 1998 General Session

36-12-3 Interim committees -- Membership -- Purpose -- Meetings and rules.

- (1) There are hereby created interim committees of the Legislature consisting of the members of each house. The speaker of the House of Representatives shall appoint the members from the House of Representatives and the president of the Senate shall appoint the members from the Senate, each taking into consideration suggestions from the minority party in their respective house.
- (2) The purpose of the committees is to investigate and study matters of legislative concern in the interval between general legislative sessions.

- (3) The interim committees shall meet after adjournment sine die of each general session to organize and to plan study programs. Each committee shall operate under rules established by the Legislature.

Amended by Chapter 39, 2002 General Session

36-12-4 Interim committees of two houses -- Meeting jointly -- Joint rules -- Majority vote.

Corresponding interim committees of the two houses may meet jointly to consider the same or similar studies or to recommend joint legislative programs. In any joint meeting, the rules of the Legislature apply. A majority vote of corresponding interim committees of the two houses meeting jointly includes at least 50% of the members in one house and more than 50% of the members in the other house.

Amended by Chapter 6, 1988 General Session

36-12-5 Duties of interim committees.

- (1) Except as otherwise provided by law, each interim committee shall:
 - (a) receive study assignments by resolution from the Legislature;
 - (b) receive study assignments from the Legislative Management Committee, created under Section 36-12-6;
 - (c) place matters on its study agenda after requesting approval of the study from the Legislative Management Committee, which request, if not disapproved by the Legislative Management Committee within 30 days of receipt of the request, the interim committee shall consider it approved and may proceed with the requested study;
 - (d) request research reports from the professional legislative staff pertaining to the committee's agenda of study;
 - (e) investigate and study possibilities for improvement in government services within its subject area;
 - (f) accept reports from the professional legislative staff and make recommendations for legislative action with respect to such reports; and
 - (g) prepare and recommend to the Legislature a legislative program in response to the committee's study agenda.
- (2) Except as otherwise provided by law, reports and recommendations of the interim committees shall be completed and made public prior to any legislative session at which the reports and recommendations are submitted. A copy of the reports and recommendations shall be mailed to each member or member-elect of the Legislature, to each elective state officer, and to the state library.

Amended by Chapter 177, 2013 General Session

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

- (1) There are hereby established as permanent committees of the Legislature a House Management Committee and a Senate Management Committee. The House Management Committee shall consist of eight members of the House of Representatives, four from each major political party. The membership shall include the elected leadership of the House of Representatives and additional members chosen at the beginning of each annual general

session by the minority party caucus as needed to complete the full membership. The chair of the committee shall be the speaker of the House of Representatives or the speaker's designee. The Senate Management Committee shall consist of eight members of the Senate, four from each major political party. The membership shall include the elected leadership of the Senate and additional members chosen at the beginning of each annual general session by the appropriate party caucus as needed to complete the full membership. The chair of the committee shall be the president of the Senate or the president's designee.

- (2)
- (a) There is established a permanent committee of the Legislature known as the Legislative Management Committee.
 - (b) The committee shall consist of:
 - (i) the members of the House Management Committee; and
 - (ii) the members of the Senate Management Committee.
 - (c)
 - (i) The president of the Senate or the president's designee shall be chair during 1987, and the speaker of the House of Representatives or the speaker's designee shall be vice-chair of the committee during that year.
 - (ii) The positions of chair and vice-chair of the Legislative Management Committee shall rotate annually between these two officers in succeeding years.
 - (d) The committee shall meet as often as is necessary to perform its duties, but not less than once each quarter.
 - (e) If any vote of the committee results in a tie, the president of the Senate and speaker of the House of Representatives may together cast an additional vote to break the tie.
- (3) If a legislator declines membership on the committees established by this section, or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party of the house in which the vacancy occurs.
- (4) The committees established by this section shall meet not later than 60 days after the adjournment sine die of the annual general session held in even-numbered years and not later than 30 days after the adjournment sine die of the annual general session held in odd-numbered years for the purpose of effecting their organization and prescribing rules and policies pertaining to their respective powers and duties. A majority of the members of each committee constitutes a quorum, and a majority of a quorum has authority to act in any matter falling within the jurisdiction of the committee.

Amended by Chapter 403, 2016 General Session

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

- (1) The Senate or House Management Committee shall:
- (a) receive legislative resolutions directing studies on legislative matters and may assign these studies to the appropriate interim committee of its house;
 - (b) assign to interim committees of the same house, matters of legislative study not specifically contained in a legislative resolution but considered significant to the welfare of the state;
 - (c) receive requests from interim committees of its house for matters to be included on the study agenda of the requesting committee. Appropriate bases for denying a study include inadequate funding to properly complete the study or duplication of the work;
 - (d) establish a budget account for interim committee day as designated by Legislative Management Committee and for all other legislative committees of its house and allocate to that account sufficient funds to adequately provide for the work of the committee; and

- (e) designate the time and place for periodic meetings of the interim committees.
- (2) To maximize the use of legislators' available time, the Senate and House Management Committees should attempt to schedule the committee meetings of their respective houses during the same one or two-day period each month. This does not preclude an interim committee from meeting at any time it determines necessary to complete its business.
- (3) The Legislative Management Committee shall:
 - (a) employ, after recommendation of the appropriate subcommittee of the Legislative Management Committee, without regard to political affiliation, and subject to approval of a majority vote of both houses, persons qualified for the positions of director of the Office of Legislative Research and General Counsel, legislative fiscal analyst, legislative general counsel, and legislative auditor general. Appointments to these positions shall be for terms of six years subject to renewal under the same procedure as the original appointment. A person may be removed from any of these offices before the expiration of the person's term only by a majority vote of both houses of the Legislature or by a two-thirds vote of the management committee for such causes as inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in office. If a vacancy occurs in any of these offices after adjournment of the Legislature, the committee shall appoint an individual to fill the vacancy until such time as the person is approved or rejected by majority vote of the next session of the Legislature;
 - (b) develop policies for personnel management, compensation, and training of all professional legislative staff;
 - (c) develop a policy within the limits of legislative appropriation for the authorization and payment to legislators of compensation and travel expenses, including out-of-state travel;
 - (d) approve special study budget requests of the legislative directors; and
 - (e) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective houses of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.
- (4)
 - (a) The Legislature delegates to the Legislative Management Committee the authority, by means of a majority vote of the committee, to direct the legislative general counsel in matters involving the Legislature's participation in litigation.
 - (b) The Legislature has an unconditional right to intervene in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges:
 - (i) the constitutionality of a state statute;
 - (ii) the validity of legislation; or
 - (iii) any action of the Legislature.
 - (c) In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of procedure.
 - (d) Intervention by the Legislature pursuant to Subsection (4)(b) or (c) does not limit the duty of the attorney general to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided by law.
 - (e) In any action in which the Legislature intervenes or participates, legislative counsel and the attorney general shall function independently from each other in the representation of their respective clients.
 - (f) The attorney general shall notify the legislative general counsel of a claim in accordance with Subsection 67-5-1(1)(y).

Amended by Chapter 222, 2022 General Session

36-12-8 Legislative Management Committee -- Research and General Counsel Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members -- Meetings.

- (1) There are created within the Legislative Management Committee:
 - (a) the Research and General Counsel Subcommittee;
 - (b) the Budget Subcommittee; and
 - (c) the Audit Subcommittee.
- (2)
 - (a) The Research and General Counsel Subcommittee, comprising six members, shall recommend to the Legislative Management Committee a person or persons to hold the positions of director of the Office of Legislative Research and General Counsel and legislative general counsel.
 - (b) The Budget Subcommittee, comprising six members, shall recommend to the Legislative Management Committee a person to hold the position of legislative fiscal analyst.
 - (c) The Audit Subcommittee shall comprise:
 - (i) the president, majority leader, and minority leader of the Senate; and
 - (ii) the speaker, majority leader, and minority leader of the House of Representatives.
 - (d) The Audit Subcommittee shall:
 - (i) recommend to the Legislative Management Committee a person to hold the position of legislative auditor general; and
 - (ii)
 - (A) review all requests for audits;
 - (B) prioritize those requests;
 - (C) hear all audit reports and refer those reports to other legislative committees for their further review and action as appropriate; and
 - (D) when notified by the legislative auditor general or state auditor that a subsequent audit has found that an entity has not implemented a previous audit recommendation, refer the audit report to an appropriate legislative committee and also ensure that an appropriate legislative committee conducts a review of the entity that has not implemented the previous audit recommendation.
- (3) The members of each subcommittee of the Legislative Management Committee, other than the Audit Subcommittee, shall have equal representation from each major political party and shall be appointed from the membership of the Legislative Management Committee by an appointments committee comprised of the speaker and the minority leader of the House of Representatives and the president and the minority leader of the Senate.
- (4) Each subcommittee of the Legislative Management Committee:
 - (a) shall meet as often as necessary to perform its duties; and
 - (b) may meet during and between legislative sessions.

Amended by Chapter 403, 2016 General Session

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

- (1) There is created within the Legislative Management Committee a Subcommittee on Oversight comprised of the following members:

- (a) from the Senate:
 - (i) the president;
 - (ii) the majority leader;
 - (iii) the minority leader; and
 - (iv) the minority whip;
- (b) from the House of Representatives:
 - (i) the speaker;
 - (ii) the majority leader;
 - (iii) the minority leader; and
 - (iv) the minority whip.
- (2) The Subcommittee on Oversight shall:
 - (a) review and approve the budget for the Office of Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the Office of Legislative Auditor General; and
 - (b) provide an annual performance review for the legislative fiscal analyst, the director of the Office of Legislative Research and General Counsel, the legislative general counsel, and the legislative auditor general.
- (3)
 - (a) This subcommittee shall meet no later than:
 - (i) June 1st of each year to receive and evaluate the results of the annual performance reviews; and
 - (ii) November 1st of each year to review and approve the budgets of the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the Office of the Legislative Auditor General.
 - (b) This subcommittee may meet at other times as often as necessary to perform its duties.

Amended by Chapter 254, 2018 General Session

36-12-8.2 Medical cannabis governance structure working group.

- (1) The Legislative Management Committee shall establish a medical cannabis governance structure working group composed of six members of the Legislature.
- (2) The working group may:
 - (a) work with industry, patients, medical providers, and others to review the state's governance structure over medical cannabis;
 - (b) study various regulatory structures throughout the nation regarding state agency regulation of medical cannabis; and
 - (c) make recommendations to the Health and Human Services Interim Committee or the Natural Resources, Agriculture, and Environment Interim Committee regarding medical cannabis governance before or at the October interim meeting.

Amended by Chapter 273, 2023 General Session

36-12-9 Legislative committees -- Minutes of meetings -- Official policies -- Closed meetings -- Private records.

- (1) "Special investigative committee" means a committee or subcommittee created or designated by rule or resolution of the House, the Senate, or the Legislature to investigate a matter specified in the rule or resolution.

- (2) The House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, and each interim committee shall keep complete minutes of their meetings.
- (3) The official policies of the House, Senate and Legislative Management Committees made pursuant to their duties as assigned by law shall be written and available to all members of the Legislature.
- (4) Notwithstanding Subsection 52-4-204(2) or 52-4-205(1), a special investigative committee may hold a closed meeting if a majority of the members present vote to close the meeting for the purpose of:
 - (a) seeking or obtaining legal advice;
 - (b) discussing matters of strategy relating to an investigation, if discussing the matters in public would interfere with the effectiveness of the investigation; or
 - (c) questioning a witness, if questioning the witness in public would interfere with a criminal investigation.
- (5) The following records received by, or generated by or for, a special investigative committee are protected records, for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the special investigative committee concludes its business or determines to remove the protected record classification described in this Subsection (5):
 - (a) records of a witness interview;
 - (b) records containing the mental impressions of special investigative committee members or staff to the special investigative committee;
 - (c) records containing information on investigative strategy; and
 - (d) records, the disclosure of which would interfere with the effectiveness of the investigation.

Amended by Chapter 1, 2013 Special Session 1

Amended by Chapter 1, 2013 Special Session 1

36-12-9.5 Obstructing a legislative proceeding.

- (1) As used in this section, "legislative proceeding" means an investigation or audit conducted by:
 - (a) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
 - (b) an employee or independent contractor of an entity described in Subsection (1)(a), at or under the direction of an entity described in Subsection (1)(a).
- (2) Except as described in Subsection (3), a person is guilty of a class A misdemeanor if the person, with intent to hinder, delay, or prevent a legislative proceeding:
 - (a) provides a person with a weapon;
 - (b) prevents a person, by force, intimidation, or deception, from performing any act that might aid the legislative proceeding;
 - (c) alters, destroys, conceals, or removes any item or other thing;
 - (d) makes, presents, or uses an item, document, or thing known by the person to be false;
 - (e) makes a false material statement, not under oath, to:
 - (i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
 - (ii) an employee or independent contractor of an entity described in Subsection (2)(e)(i);
 - (f) harbors or conceals a person;
 - (g) provides a person with transportation, disguise, or other means of avoiding discovery or service of process;
 - (h) warns any person of impending discovery or service of process;
 - (i) conceals an item, information, document, or thing that is not privileged after a legislative subpoena is issued for the item, information, document, or thing; or

(j) provides false information regarding a witness or a material aspect of the legislative proceeding.

(3) Subsection (2) does not include:

- (a) false or inconsistent material statements, as described in Section 76-8-502;
- (b) tampering with a witness or soliciting or receiving a bribe, as described in Section 76-8-508;
- (c) retaliation against a witness, victim, or informant, as described in Section 76-8-508.3; or
- (d) extortion or bribery to dismiss a criminal proceeding, as described in Section 76-8-509.

Enacted by Chapter 167, 2014 General Session

36-12-10 Right of members to attend meetings -- Voting -- Subject to open and public meeting requirements.

Any member of the Legislature has the right to attend any meeting of the House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, or any interim committee and to present views on any subject under consideration, but no legislator has the right to vote on any decision of a committee of which he is not a member. All meetings of these committees shall be subject to Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 14, 2006 General Session

36-12-11 Interim committees' powers.

Interim committees may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, any other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

Amended by Chapter 174, 1989 General Session

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

- (1) There is established an Office of Legislative Research and General Counsel as a permanent staff office for the Legislature.
- (2) The powers, functions, and duties of the Office of Legislative Research and General Counsel under the supervision of the director shall be:
 - (a) to provide research and legal staff assistance to all standing, special, and interim committees as follows:
 - (i) to assist each committee chairman in planning the work of the committee;
 - (ii) to prepare and present research and legal information in accordance with committee instructions or instructions of the committee chairman;
 - (iii) to prepare progress reports of committee work when requested; and
 - (iv) to prepare a final committee report in accordance with committee instructions, that includes relevant research information, committee policy recommendations, and recommended legislation;
 - (b) to collect and examine the acts and official reports of any state and report their contents to any committee or member of the Legislature;

- (c) to provide research and legal analysis services to any interim committee, legislative standing committee, or individual legislator on actual or proposed legislation or subjects of general legislative concern;
 - (d)
 - (i) to exercise under the direction of the general counsel the constitutional authority provided in Utah Constitution, Article VI, Section 32, in serving as legal counsel to the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff; and
 - (ii) to represent the Legislature, majority and minority leadership of the House of Representatives or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff in cases and controversies before courts and administrative agencies and tribunals;
 - (e) to prepare and assist in the preparation of legislative bills, resolutions, memorials, amendments, and other documents or instruments required in the legislative process and, under the direction of the general counsel, give advice and counsel regarding them to the Legislature, majority and minority leadership of the House of Representatives or Senate, any of its members or members-elect, any of its committees or subcommittees, or the legislative staff;
 - (f) under the direction of the general counsel:
 - (i) to review, examine, and correct any technical errors when:
 - (A) preparing legislation that passed both houses to enroll the legislation and prepare the laws for publication; or
 - (B) maintaining the accuracy of the electronic code database; and
 - (ii) to deliver enrolled legislation to the House of Representatives and the Senate for submission to the governor for gubernatorial action;
 - (g)
 - (i) to exercise control over and to act as the repository and custodian of the official copy and database of the current version of the Utah Constitution;
 - (ii) to incorporate into the Utah Constitution any amendments to the Utah Constitution that pass during a regular general election; and
 - (iii) to update and maintain the bold face descriptive titles to sections of the Utah Constitution;
 - (h) to prepare the laws for publication;
 - (i)
 - (i) to maintain, exercise control over, and act as the repository and custodian of the official copy and database of the Utah Code, organized by title, chapter, part, and section; and
 - (ii) to keep the Utah Code database current, including updating the database to reflect:
 - (A) any duly enacted legislation making changes, including future changes, to the Utah Code; and
 - (B) any corrections of technical errors;
 - (j) to formulate recommendations for the revision, clarification, classification, arrangement, codification, annotation, and indexing of Utah statutes, and to develop proposed legislation to effectuate the recommendations;
 - (k) to appoint and develop a professional staff within budget limitations; and
 - (l) to prepare and submit the annual budget request for the Office of Legislative Research and General Counsel.
- (3)

- (a) If, under Utah Constitution, Article VI, Section 10, the House of Representatives or Senate determines that an individual is not qualified to serve in the House of Representatives or Senate, or expels an individual from the respective chamber, but the individual continues to hold his or her elected legislative office, the Office of Legislative Research and General Counsel may not provide legislative staff services, including legal services, to the individual.
- (b) Notwithstanding Subsection (3)(a), the Office of Legislative Research and General Counsel may provide legal services for an individual described in Subsection (3)(a) if the legal services are approved by the Legislative Management Committee described in Section 36-12-7.
- (4) The statutory authorization of the Office of Legislative Research and General Counsel to correct technical errors provided in Subsection (2)(f), to prepare the laws for publication in Subsection (2)(h), and to modify the electronic record to correct technical errors under Subsection (2)(i)(ii)(B) includes:
 - (a) adopting a uniform system of punctuation, capitalization, numbering, and wording for enrolled legislation and the Laws of Utah;
 - (b) eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;
 - (c) correcting defective or inconsistent title, chapter, part, section, and subsection structure in the arrangement of the subject matter of existing statutes;
 - (d) eliminating obsolete and redundant words;
 - (e) correcting:
 - (i) obvious typographical and grammatical errors; and
 - (ii) other obvious inconsistencies, including those involving punctuation, capitalization, cross references, numbering, and wording;
 - (f) inserting or changing the boldface to more accurately reflect the substance of each section, part, chapter, or title;
 - (g) merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Legislature;
 - (h) renumbering and rearranging of a title, chapter, part, section, or provisions of a section;
 - (i) transferring sections or dividing sections to assign separate sections numbers to distinct subject matters;
 - (j) modifying cross references to agree with renamed or renumbered titles, chapters, parts, or sections;
 - (k) substituting the proper section or chapter number for the terms "this act," "this bill," or similar terms;
 - (l) substituting the proper calendar date in the database and in the Laws of Utah;
 - (m) modifying the highlighted provisions of legislation to correct an inconsistency between the highlighted provisions and the enacted provisions of the legislation;
 - (n) correcting the names of agencies, departments, and similar units of government;
 - (o) rearranging any misplaced statutory material, incorporating any omitted statutory material, and correcting other obvious errors of addition or omission;
 - (p) correcting or incorporating a special clause that was publicly available on the Legislature's website but is errantly omitted, modified, or retained during the legislative process due to obvious technological or human error, including:
 - (i) a severability clause;
 - (ii) an effective date clause;
 - (iii) a retrospective operation clause;
 - (iv) an uncodified repeal date clause;
 - (v) a revisor instruction clause; or

- (vi) a coordination clause;
 - (q) correcting the incorporation of an amendment due to obvious technological or human error;
and
 - (r) alphabetizing definition sections.
- (5) In carrying out the duties provided for in this section, the director of the Office of Legislative Research and General Counsel may obtain access to all records, documents, and reports necessary to the scope of the director's duties according to the procedures contained in Chapter 14, Legislative Subpoena Powers.
- (6) In organizing the management of the Office of Legislative Research and General Counsel, the Legislative Management Committee may either:
- (a) select a person to serve as both the director of the office and as general counsel. In such case, the director of the office shall be a lawyer admitted to practice in Utah and shall have practical management experience or equivalent academic training; or
 - (b) select a person to serve as director of the office who would have general supervisory authority and select another person to serve as the legislative general counsel within the office. In such case, the director of the office shall have a master's degree in public or business administration, economics, or the equivalent in academic or practical experience and the legislative general counsel shall be a lawyer admitted to practice in Utah.

Amended by Chapter 21, 2023 General Session, (Coordination Clause)

Amended by Chapter 21, 2023 General Session

Amended by Chapter 291, 2023 General Session

36-12-12.1 Posting of required reports and policies -- Compliance.

The Office of Legislative Research and General Counsel shall maintain a page on the Legislature's website that provides the following information:

- (1) an annual list of all reports that a government entity, government official, or government employee is required to submit to a committee of the Legislature, including for each:
- (a) a brief description of the report;
 - (b) the name of the committee to which submission is required;
 - (c) the report submission deadline;
 - (d) a citation to the law requiring the report;
 - (e) an indication regarding whether the report is timely submitted, submitted late, or not submitted;
 - (f) an indication regarding whether the report contained the information required by law; and
 - (g) a link to the report; and
- (2) an annual list of each bill that becomes law that year that requires a government entity, government official, or government employee to adopt a policy, including for each:
- (a) the bill number and short title;
 - (b) a citation to the law requiring the policy;
 - (c) a brief description of the policy;
 - (d) a list of the government entities, government officials, or government employees required to adopt the policy;
 - (e) the deadline for adopting the policy; and
 - (f) a link to the information described in Subsection 67-3-1(21).

Enacted by Chapter 480, 2023 General Session

36-12-13 Office of the Legislative Fiscal Analyst established -- Powers, functions, and duties -- Qualifications.

- (1) There is established an Office of the Legislative Fiscal Analyst as a permanent staff office for the Legislature.
- (2) The powers, functions, and duties of the Office of the Legislative Fiscal Analyst under the supervision of the fiscal analyst are:
 - (a)
 - (i) to estimate general revenue collections, including comparisons of:
 - (A) current estimates for each major tax type to long-term trends for that tax type;
 - (B) current estimates for federal fund receipts to long-term federal fund trends; and
 - (C) current estimates for tax collections and federal fund receipts to long-term trends deflated for the inflationary effects of debt monetization; and
 - (ii) to report the analysis required under Subsection (2)(a)(i) to the Legislature's Executive Appropriations Committee before each annual general session of the Legislature;
 - (b) to analyze in detail the state budget before the convening of each legislative session and make recommendations to the Legislature on each item or program appearing in the budget, including:
 - (i) funding for and performance of programs, acquisitions, and services currently undertaken by state government to determine whether each department, agency, institution, or program should:
 - (A) continue at its current level of expenditure;
 - (B) continue at a different level of expenditure; or
 - (C) be terminated; and
 - (ii) increases or decreases to spending authority and other resource allocations for the current and future fiscal years;
 - (c) to prepare on all proposed bills fiscal estimates that reflect:
 - (i) potential state government revenue impacts;
 - (ii) anticipated state government expenditure changes;
 - (iii) anticipated expenditure changes for county, municipal, special district, or special service district governments;
 - (iv) anticipated direct expenditure by Utah residents and businesses, including the unit cost, number of units, and total cost to all impacted residents and businesses; and
 - (v) if the proposed bill changes retirement benefits under a system or plan governed by Title 49, Utah State Retirement and Insurance Benefit Act, the anticipated effect on:
 - (A) each affected system's or plan's unfunded actuarial accrued liability and actuarial funded ratio, based on current employer contributions;
 - (B) employer contributions and member contributions;
 - (C) a retiree's retirement allowance;
 - (D) the total cost to active members and retirees; and
 - (E) the total cost to employers for all active members and retirees;
 - (d) to indicate whether each proposed bill will impact the regulatory burden for Utah residents or businesses, and if so:
 - (i) whether the impact increases or decreases the regulatory burden; and
 - (ii) whether the change in burden is high, medium, or low;
 - (e) beginning in 2017 and repeating every three years after 2017, to prepare the following cycle of analyses of long-term fiscal sustainability:
 - (i) in year one, the joint revenue volatility report required under Section 63J-1-205;

- (ii) in year two, a long-term budget for programs appropriated from major funds and tax types; and
 - (iii) in year three, a budget stress test comparing estimated future revenue to and expenditure from major funds and tax types under various potential economic conditions;
 - (f) to report instances in which the administration may be failing to carry out the expressed intent of the Legislature;
 - (g) to propose and analyze statutory changes for more effective operational economies or more effective administration;
 - (h) to prepare, before each annual general session of the Legislature, a summary showing the current status of the following as compared to the past nine fiscal years:
 - (i) debt;
 - (ii) long-term liabilities;
 - (iii) contingent liabilities;
 - (iv) General Fund borrowing;
 - (v) reserves;
 - (vi) fund and nonlapsing balances; and
 - (vii) cash funded capital investments;
 - (i) to make recommendations for addressing the items described in Subsection (2)(h) in the upcoming annual general session of the Legislature;
 - (j) to prepare, after each session of the Legislature, a summary showing the effect of the final legislative program on the financial condition of the state;
 - (k) to conduct organizational and management improvement studies in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;
 - (l) to prepare and deliver upon request of any interim committee or the Legislative Management Committee, reports on the finances of the state and on anticipated or proposed requests for appropriations;
 - (m) to recommend areas for research studies by the executive department or the interim committees;
 - (n) to appoint and develop a professional staff within budget limitations;
 - (o) to prepare and submit the annual budget request for the office;
 - (p) to develop a taxpayer receipt:
 - (i) available to taxpayers through a website; and
 - (ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax dollars are expended for government purposes; and
 - (q) to publish or provide other information on taxation and government expenditures that may be accessed by the public.
- (3) The legislative fiscal analyst shall have a master's degree in public administration, political science, economics, accounting, or the equivalent in academic or practical experience.
- (4) In carrying out the duties provided for in this section, the legislative fiscal analyst may obtain access to all records, documents, and reports necessary to the scope of the legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.
- (5) The Office of the Legislative Fiscal Analyst shall provide any information the State Board of Education reports in accordance with Subsection 53E-3-507(7) to:
- (a) the chief sponsor of the proposed bill; and
 - (b) upon request, any legislator.

Amended by Chapter 16, 2023 General Session
Amended by Chapter 430, 2023 General Session

36-12-15 Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.

- (1) As used in this section:
 - (a) "Entity" means:
 - (i) a government organization; or
 - (ii) a receiving organization.
 - (b) "Government organization" means:
 - (i) a state branch, department, or agency; or
 - (ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.
 - (c) "Receiving organization" means an organization that receives public funds that is not a government organization.
- (2) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.
- (3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.
- (4) The legislative auditor general shall appoint and develop a professional staff within budget limitations.
- (5) The Office of the Legislative Auditor General shall exercise the constitutional authority provided in Utah Constitution, Article VI, Section 33.
- (6) Under the direction of the legislative auditor general, the Office of the Legislative Auditor General shall:
 - (a) conduct comprehensive and special purpose audits, examinations, investigations, or reviews of entity funds, functions, and accounts;
 - (b) prepare and submit a written report on each audit, examination, investigation, or review to the Audit Subcommittee created in Section 36-12-8 and make the report available to all members of the Legislature within 75 days after the audit, examination, investigation, or review is completed;
 - (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;
 - (d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations that:
 - (i) threaten public funds or programs;
 - (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or
 - (iii) require transformation;
 - (e) monitor and report to the Audit Subcommittee the health of a government organization's internal audit functions;
 - (f) make recommendations to increase the independence and value added of internal audit functions throughout the state;
 - (g) implement a process to track, monitor, and report whether the subject of an audit has implemented recommendations made in the audit report;

- (h) establish, train, and maintain individuals within the office to conduct investigations and represent themselves as lawful investigators on behalf of the office;
 - (i) establish policies, procedures, methods, and standards of audit work and investigations for the office and staff;
 - (j) prepare and submit each audit and investigative report independent of any influence external of the office, including the content of the report, the conclusions reached in the report, and the manner of disclosing the legislative auditor general's findings;
 - (k) prepare and submit the annual budget request for the office; and
 - (l) perform other duties as prescribed by the Legislature.
- (7) In conducting an audit, examination, investigation, or review of an entity, the Office of the Legislative Auditor General may include a determination of any or all of the following:
- (a) the honesty and integrity of any of the entity's fiscal affairs;
 - (b) the accuracy and reliability of the entity's internal control systems and specific financial statements and reports;
 - (c) whether or not the entity's financial controls are adequate and effective to properly record and safeguard the entity's acquisition, custody, use, and accounting of public funds;
 - (d) whether the entity's administrators have complied with legislative intent;
 - (e) whether the entity's operations have been conducted in an efficient, effective, and cost efficient manner;
 - (f) whether the entity's programs have been effective in accomplishing intended objectives; and
 - (g) whether the entity's management control and information systems are adequate and effective.
- (8)
- (a) If requested by the Office of the Legislative Auditor General, each entity that the legislative auditor general is authorized to audit under Utah Constitution, Article VI, Section 33, or this section shall, notwithstanding any other provision of law except as provided in Subsection (8)(b), provide the office with access to information, materials, or resources the office determines are necessary to conduct an audit, examination, investigation, or review, including:
 - (i) the following in the possession or custody of the entity in the format identified by the office:
 - (A) a record, document, and report; and
 - (B) films, tapes, recordings, and electronically stored information;
 - (ii) entity personnel; and
 - (iii) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.
 - (b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.
- (9)
- (a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to access information, materials, or resources in accordance with Chapter 14, Legislative Subpoena Powers.
 - (b) The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a financial institution or any other entity to obtain information as part of an investigation of fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance involving public funds.
- (10) To preserve the professional integrity and independence of the office:
- (a) no legislator or public official may urge the appointment of any person to the office; and
 - (b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.

(11)

- (a) The following records in the custody or control of the legislative auditor general are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
- (i) records and audit work papers that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report;
 - (ii) records and audit workpapers that would disclose the identity of a person who, during the course of a legislative audit, communicated the existence of:
 - (A) unethical behavior;
 - (B) waste of public funds, property, or personnel; or
 - (C) a violation or suspected violation of a United States, Utah state, or political subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the identity of the person be protected;
 - (iii) before an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of an entity for review, response, or information;
 - (iv) records that would disclose:
 - (A) an outline;
 - (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
 - (C) other procedural documents necessary to fulfill the duties of the office; and
 - (v) requests for audits, if disclosure would risk circumvention of an audit.
- (b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or information to a government prosecutor or peace officer if those records or information relate to a violation of the law by an entity or entity employee.
- (c) A record, as defined in Section 63G-2-103, created by the Office of the Legislative Auditor General in a closed meeting held in accordance with Section 52-4-205:
- (i) is a protected record, as defined in Section 63G-2-103;
 - (ii) to the extent the record contains information:
 - (A) described in Section 63G-2-302, is a private record; or
 - (B) described in Section 63G-2-304, is a controlled record; and
 - (iii) may not be reclassified by the office.
- (d) The provisions of this section do not limit the authority otherwise given to the legislative auditor general to maintain the private, controlled, or protected record status of a shared record in the legislative auditor general's possession or classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

(12) The legislative auditor general shall:

- (a) be available to the Legislature and to the Legislature's committees for consultation on matters relevant to areas of the legislative auditor general's professional competence;
- (b) conduct special audits as requested by the Audit Subcommittee;
- (c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent violation;
- (d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of an entity; and

- (e) make any recommendations to the Audit Subcommittee with respect to the alteration or improvement of the accounting system used by an entity.
- (13) If the legislative auditor general conducts an audit of an entity that has previously been audited and finds that the entity has not implemented a recommendation made by the legislative auditor general in a previous audit, the legislative auditor general shall, upon release of the audit:
 - (a) report immediately to the Audit Subcommittee that the entity has not implemented that recommendation; and
 - (b) shall report, as soon as possible, that the entity has not implemented that recommendation to an appropriate legislative committee designated by the Audit Subcommittee.
- (14) Before each annual general session, the legislative auditor general shall:
 - (a) prepare an annual report that:
 - (i) summarizes the audits, examinations, investigations, and reviews conducted by the office since the last annual report; and
 - (ii) evaluate and report the degree to which an entity that has been the subject of an audit has implemented the audit recommendations;
 - (b) include in the report any items and recommendations that the legislative auditor general believes the Legislature should consider in the annual general session; and
 - (c) deliver the report to the Legislature and to the appropriate committees of the Legislature.
- (15)
 - (a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:
 - (i) the Office of the Legislative Auditor General;
 - (ii) the attorney general, county attorney, or district attorney; and
 - (iii)
 - (A) for a state government organization, the chief executive officer;
 - (B) for a political subdivision government organization, the legislative body or governing board; or
 - (C) for a receiving organization, the governing board or chief executive officer unless the chief executive officer is believed to be misappropriating the funds or assets, in which case the next highest officer of the receiving organization.
 - (b) As described in Subsection (15)(a), the entity chief officer or, if applicable, another entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act.
 - (c) If the Office of the Legislative Auditor General receives a notification under Subsection (15)(a) or other information of misappropriation of public funds or assets of an entity, the office shall inform the Audit Subcommittee.
 - (d) The attorney general, county attorney, or district attorney shall notify, in writing, the Office of the Legislative Auditor General whether the attorney general, county attorney, or district attorney pursued criminal or civil sanctions in the matter.
- (16)
 - (a) An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:
 - (i) a legislative audit, examination, investigation, or review of an entity conducted by the Office of the Legislative Auditor General; or

- (ii) the Office of the Legislative Auditor General's decisions relating to:
 - (A) the content of the office's report;
 - (B) the conclusions reached in the office's report; or
 - (C) the manner of disclosing the results and findings of the office.
 - (b) A violation of Subsection (16)(a) is a class B misdemeanor.
- (17)
- (a) Beginning July 1, 2020, the Office of the Legislative Auditor General may require any current employee, or any applicant for employment, to submit to a fingerprint-based local, regional, and criminal history background check as an ongoing condition of employment.
 - (b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.
 - (c) The Office of the Legislative Auditor General shall require that an individual required to submit to a background check under this Subsection (17) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).
 - (d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:
 - (i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and
 - (ii) a request for all information received as a result of the local, regional, and nationwide background check.

Amended by Chapter 21, 2023 General Session

36-12-15.1 Systemic performance audits.

- (1) As used in this section, "entity" means:
 - (a) an entity in the executive branch that receives an ongoing line item appropriation in an appropriations act; and
 - (b) any local education agency, as defined in Section 53E-1-102, that receives public funds.
- (2)
 - (a) Each year, subject to the availability of work capacity and the discretion of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General may, in addition to other audits performed by the office, perform:
 - (i) a systemic performance audit of one or more executive branch entities; and
 - (ii) a systemic performance audit of one or more local education agencies.
 - (b) An audit performed under Subsection (2)(a) shall, as is appropriate for each individual audit:
 - (i) evaluate the extent to which the entity has efficiently and effectively used the appropriation by identifying:
 - (A) the entity's appropriation history;
 - (B) the entity's spending and efficiency history; and
 - (C) historic trends in the entity's operational performance effectiveness;
 - (ii) evaluate whether the entity's size and operation are commensurate with the entity's spending history;
 - (iii) evaluate whether the entity is diligent in its stewardship of resources;
 - (iv) provide a systemic performance audit of the entity's operations performance improvements;
 - (v) if possible, incorporate the audit methodology of other audits performed by the Office of the Legislative Auditor General; and
 - (vi) be conducted according to the process established for the Audit Subcommittee.

- (c) After releasing an audit report under Subsection (2)(a), the Audit Subcommittee shall make the audit report available to:
 - (i) each member of the Senate and the House of Representatives; and
 - (ii) the governor or the governor's designee.
- (d) The Office of the Legislative Auditor General shall:
 - (i) summarize the findings of an audit described in Subsection (2)(a); and
 - (ii) provide a copy of each audit report and the annual report to the legislative fiscal analyst and director of the Office of Legislative Research and General Counsel as soon as each report is completed.
- (3) The Office of the Legislative Auditor General may consult with the Office of the Legislative Fiscal Analyst or the Office of Legislative Research and General Counsel in preparing the summary required by Subsection (2)(d).
- (4) The Legislature, in evaluating an entity's request for an increase in its base budget, shall:
 - (a) review the audit report required by this section and any relevant audits; and
 - (b) consider the entity's request for an increase in its base budget in light of the entity's prior history of savings and efficiencies as evidenced by the audit report required by this section.

Amended by Chapter 21, 2023 General Session

36-12-15.2 Elections audit.

- (1) As used in this section, "office" means the Office of the Legislative Auditor General.
- (2) In addition to other audits performed by the office, the office shall, each even-numbered year, in accordance with this section and under the direction of the Legislative Audit Subcommittee, conduct a comprehensive performance audit of the state's election system and controls.
- (3) The audit may include the entire election process for the elections held in an even-numbered year, including:
 - (a) procedures and practices that occur before or after the beginning of the year to prepare for the elections; and
 - (b) procedures, practices, and standards relating to:
 - (i) voter registration;
 - (ii) candidate filing and selection;
 - (iii) the preparation, printing, distribution, handling, examining, counting, and all other handling of ballots; and
 - (iv) the entire election process, including the regular primary election, the regular general election, and the determination of election results.
- (4) The audit extends to the functions of all persons involved in the election process, including the Office of the Lieutenant Governor, each county clerk's office, and each board of canvassers.
- (5) At a minimum, the office shall conduct a survey to audit the work of the Office of the Lieutenant Governor and each county election office.
- (6) Based on the results of the survey described in Subsection (5), the office shall conduct a more comprehensive audit of the jurisdictions or practices that, in the opinion of the office, present the highest risk.
- (7) In addition to auditing the jurisdictions and practices described in Subsection (6), the office may audit any other jurisdictions or entities, or any practices or procedures, that the office determines necessary to ensure the success of a comprehensive performance audit of the election system.
- (8) To conduct an audit described in this section, the office has the full authority described in Section 36-12-15, including:

- (a) full access to closely observe, examine, and copy all records, documents, recordings, and other information the office determines to be useful in conducting an audit described in this section;
 - (b) full access to closely observe, examine, and copy ballots, ballot envelopes, vote tallies, canvassing records, and voter registration records;
 - (c) full access to closely observe and examine all facilities, storage areas, and equipment, and to closely observe, examine, or copy all materials, that the office determines to be useful in conducting an audit described in this section;
 - (d) full access to all staff, including full-time, part-time, and volunteer staff;
 - (e) full access to closely observe, examine, and copy all records and information relating to election audits that are conducted by the Office of the Lieutenant Governor, a county clerk, or any other person;
 - (f) the right to, within the scope of the audit, attend any meeting, including a closed meeting;
 - (g) the right to, within the scope of the audit, closely observe and examine any work or other process; and
 - (h) all other authority described in Section 36-12-15.
- (9) As with any audit conducted under the authority described in Section 36-12-15, all officials and staff shall fully assist, and cooperate with, the office in conducting an audit described in this section.
- (10) In conducting an audit described in this section, the office:
- (a) shall preserve the right of a voter to a secret ballot;
 - (b) shall, when examining election returns, allow the election officer or a designee of the election officer to be present to ensure the chain of custody of the election returns; and
 - (c) may not, while votes are being counted, communicate in any manner, directly or indirectly, by word or sign, the progress of the vote, the current result of the vote count, or any other information about the vote count.
- (11) An election officer, or an election officer's designee, who is present under Subsection (10)(b) may not interfere with the performance of the audit.

Enacted by Chapter 156, 2023 General Session

36-12-16 Legislative directors -- Authority to obtain assistance.

Within budgetary limitations, the legislative directors shall have authority to obtain consulting help and professional outside contract assistance and fix the fees paid according to rates and schedules consistent with those generally accepted within the appropriate profession.

Enacted by Chapter 109, 1975 General Session

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

- (1) It shall be the duty of the presiding officer and the majority and minority leaders of each house to perform the following for their respective house:
- (a) to manage legislative space for their house within the state capitol;
 - (b) to acquire, manage, and supervise office equipment and machines, data processing equipment, public address equipment, and other equipment and facilities needed by their house and its committees, exclusive of equipment and facilities required by professional legislative staff;

- (c) to employ, train, and supervise clerical help needed to serve all interim committees and the Legislative Management Committee, except clerical help employed to assist professional legislative staff;
 - (d) to supervise payment of per diem compensation and travel expenses of the members of their house while in session; and
 - (e) to approve requests by members of their house for out-of-state travel on legislative business and to supervise the reimbursement of actual and necessary expenses for such travel.
- (2) The speaker of the House of Representatives and the president of the Senate may perform additional services for legislators, including but not limited to the following:
- (a) to provide at the state capitol secretarial services to all legislators of their house requesting assistance with files and correspondence directly related to legislative business; at the discretion of the minority political party, a secretary may be designated by the minority party; and
 - (b) to serve as an information source to the public in informing the citizenry of matters currently before the Legislature and its committees and to prepare and distribute material to instruct the general public on the functions and operation of the Legislature.
- (3) By agreement between the speaker of the House of Representatives and president of the Senate, any of the duties assigned to them by this section may be administered jointly for the two houses by the chairman of the Legislative Management Committee.
- (4) The chairman of the Legislative Management Committee shall supervise the payment of per diem compensation and in-state travel expenses of members of the Legislative Management Committee and all interim committees.

Amended by Chapter 47, 1985 General Session

36-12-18 Offices for Legislative Management Committee and professional legislative staff -- Hours -- Library facilities available -- Documents, reports, and information available.

The Legislative Management Committee and the professional legislative staff shall be provided with adequate quarters in the State Capitol Complex convenient to the members of the Legislature and other persons having official business with them. The offices shall be open during the time provided by law for other state offices, and when the Legislature is in session, at such hours as are convenient to the legislators. The facilities of the state library and other libraries maintained by the state shall be available for use by all legislative committees and subcommittees and the professional legislative staff. Each department, division, commission, agency, or other instrumentality of state government shall furnish to all the legislative committees and subcommittees and the professional legislative staff upon request any document, reports, or information available within the department.

Amended by Chapter 121, 2007 General Session

36-12-19 Investigatory powers of the Legislature.

In the discharge of its legislative investigatory powers, the Legislature, or either house or any committee thereof, may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

Amended by Chapter 174, 1989 General Session

36-12-21 Legislators serving in organizations without legislative sanction -- Prohibited participation.

(1) The Legislative IT Steering Committee created by the Legislative Management Committee on July 17, 2007, is dissolved.

- (2)
- (a) Except as provided in Subsection (2)(b):
 - (i) a legislator may not serve on:
 - (A) the Committee on Children and Family Law created under Judicial Rule 1-205;
 - (B) the Governor's Child and Family Cabinet Council created under Executive Order 2007-0005;
 - (C) the Utah Commission on Literacy created under Executive Order 2004-0011;
 - (D) the Utah Developmental Disabilities Council created under Executive Order 2006-0001; or
 - (E) the Utah Multicultural Commission created under Executive Order EO/007/2013; and
 - (ii) the speaker of the House of Representatives or the president of the Senate may not appoint a legislator, and a legislator may not serve in the legislator's capacity as a legislator, on the Utah Lake Commission.
 - (b) The Legislative Management Committee may, on a case-by-case basis, approve:
 - (i) a legislator to serve on an entity described in Subsection (2)(a)(i); or
 - (ii) an action that is otherwise prohibited under Subsection (2)(a)(ii).

Enacted by Chapter 246, 2019 General Session

36-12-22 Reports from legislative boards -- Annual reports -- Preparation of legislation.

- (1) As used in this section:
- (a) "Legislative board" means a board, commission, council, committee, working group, task force, study group, advisory group, or other body created in statute or by legislative rule:
 - (i) with a defined, limited membership;
 - (ii) that has operated or is intended to operate for more than six months; and
 - (iii)
 - (A) that has exclusive or majority legislative membership; or
 - (B) that receives staff support from a legislative staff office.
 - (b) "Legislative board" does not include:
 - (i) a standing, ethics, interim, appropriations, confirmation, or rules committee of the Legislature;
 - (ii) the Legislative Management Committee or a subcommittee of the Legislative Management Committee; or
 - (iii) an organization that is prohibited from having a member that is a member of the Legislature.
- (2)
- (a) Before August 1, once every five years, beginning in calendar year 2024, each legislative board shall prepare and submit to the Office of Legislative Research and General Counsel a report that includes:
 - (i) the name of the legislative board;
 - (ii) a description of the legislative board's official function and purpose;
 - (iii) a description of actions taken by the legislative board in the five previous fiscal years;
 - (iv) recommendations on whether any statutory, rule, or other changes are needed to make the legislative board more effective; and

- (v) a recommendation regarding whether the legislative board should continue to exist.
 - (b) The Office of Legislative Research and General Counsel shall compile and post each report described in Subsection (2)(a) to the Legislature's website before September 1 of a calendar year in which the Office of Legislative Research and General Counsel receives a report described in Subsection (2)(a).
- (3)
- (a) Before September 1 of a calendar year in which the Office of Legislative Research and General Counsel receives a report described in Subsection (2)(a), the Office of Legislative Research and General Counsel shall prepare a report that includes, as of July 1 of that year:
 - (i) the total number of legislative boards that exist; and
 - (ii) a summary of the reports submitted to the Office of Legislative Research and General Counsel under Subsection (2), including:
 - (A) a list of each legislative board that submitted a report under Subsection (2);
 - (B) a list of each legislative board that did not submit a report under Subsection (2);
 - (C) an indication of any recommendations made under Subsection (2)(a)(iv); and
 - (D) a list of any legislative boards that indicated under Subsection (2)(a)(v) that the legislative board should no longer exist.
 - (b) The Office of Legislative Research and General Counsel shall:
 - (i) in accordance with Section 68-3-14, submit the report described in Subsection (3)(a) to:
 - (A) the president of the Senate;
 - (B) the speaker of the House of Representatives; and
 - (C) the Government Operations Interim Committee; and
 - (ii) post the report described in Subsection (3)(a) to the Legislature's website.
- (4)
- (a) The Government Operations Interim Committee may prepare legislation to address a recommendation regarding:
 - (i) an executive board, as defined in Section 67-1-2.5, included in the report described in Section 67-1-2.5; or
 - (ii) a legislative board included in the report described in Subsection (3)(a).
 - (b) If an executive board or a legislative board is assigned to an interim committee for review under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, the Government Operations Interim Committee may coordinate with the interim committee to prepare legislation described in Subsection (4)(a).

Amended by Chapter 154, 2020 General Session

36-12-23 Legislative committees -- Staffing.

As used in this section:

- (1) "Chair" means a presiding officer or a co-presiding officer of a legislative committee.
- (2) "Committee" means a standing committee, interim committee, subcommittee, special committee, authority, commission, council, task force, panel, or board in which legislative participation is required by law or legislative rule.
- (3) "Legislative committee" means a committee:
 - (a) formed by the Legislature to study or oversee subjects of legislative concern; and
 - (b) that is required by law or legislative rule to have a chair who is a legislator.
- (4) "Legislator" means a member of either house of the Legislature.
- (5) "Professional legislative office" means the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, or the Office of the Legislative Auditor General.

- (6)
- (a) Except as provided in Subsection (7), a professional legislative office shall provide staff support to a legislative committee.
 - (b) If a law or legislative rule does not designate which particular professional legislative office shall provide staff support to a legislative committee, that office shall be the Office of Legislative Research and General Counsel.
- (7) This section does not apply to:
- (a) the Point of the Mountain State Land Authority created in Section 11-59-201;
 - (b) the Utah Broadband Center Advisory Commission created in Section 36-29-109;
 - (c) the Blockchain and Digital Innovation Task Force created in Section 36-29-110;
 - (d) the Criminal Justice Data Management Task Force created in Section 36-29-111;
 - (e) the Constitutional Defense Council created in Section 63C-4a-202;
 - (f) the Women in the Economy Subcommittee created in Section 63N-1b-402;
 - (g) the House Ethics Committee established under Legislative Joint Rule JR6-2-101; or
 - (h) the Senate Ethics Committee established under Legislative Joint Rule JR6-2-101.

Enacted by Chapter 429, 2023 General Session

Chapter 13

Legislative Publications

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

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

- (1) the legislative session laws;
- (2) the House and Senate Journals;
- (3) the Utah Code Annotated; and
- (4) all other legislative reports and publications of Utah statutes.

Amended by Chapter 130, 1987 General Session

Chapter 14

Legislative Subpoena Powers

36-14-1 Definitions.

As used in this chapter:

- (1) "Issuer" means a person authorized to issue a subpoena by this chapter.
- (2) "Legislative body" means:
 - (a) the Legislature;
 - (b) the House or Senate; or
 - (c) any committee or subcommittee of the Legislature, the House, or the Senate.
- (3) "Legislative office" means the Office of Legislative Research and General Counsel, Office of the Legislative Fiscal Analyst, and the Office of the Legislative Auditor General.
- (4) "Legislative staff member" means an employee or independent contractor of a legislative office.
- (5) "Legislative subpoena" means a subpoena issued by an issuer on behalf of a legislative body or legislative office and includes:

- (a) a subpoena requiring a person to appear and testify at a time and place designated in the subpoena;
 - (b) a subpoena requiring a person to:
 - (i) appear and testify at a time and place designated in the subpoena; and
 - (ii) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; and
 - (c) a subpoena requiring a person to produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at a time and place designated in the subpoena.
- (6) "Special investigative committee" is as defined in Subsection 36-12-9(1).

Amended by Chapter 1, 2013 Special Session 1

Amended by Chapter 1, 2013 Special Session 1

36-14-2 Issuers.

- (1) Any of the following persons is an issuer, who may issue legislative subpoenas by following the procedures set forth in this chapter:
- (a) the speaker of the House of Representatives;
 - (b) the president of the Senate;
 - (c) a chair of any legislative standing committee;
 - (d) a chair of any legislative interim committee;
 - (e) a chair of any special committee established by the Legislative Management Committee, the speaker of the House of Representatives, or the president of the Senate;
 - (f) a chair of any subcommittee of the Legislative Management Committee;
 - (g) a chair of a special investigative committee;
 - (h) a chair of a Senate or House Ethics Committee;
 - (i) a chair of the Executive Appropriations Committee as created in JR3-2-401;
 - (j) a chair of an appropriations subcommittee as created in JR3-2-302;
 - (k) the director of the Office of Legislative Research and General Counsel;
 - (l) the legislative auditor general;
 - (m) the legislative fiscal analyst; and
 - (n) the legislative general counsel.
- (2) A legislative body, a legislative office, an issuer, or a legislative staff member designated by an issuer may:
- (a) administer an oath or affirmation; and
 - (b) take evidence, including testimony.

Amended by Chapter 21, 2023 General Session

36-14-3 Contents.

Each legislative subpoena shall include:

- (1) the name of the legislative body or office on whose behalf the subpoena is issued;
- (2) the signature of the issuer;
- (3) a command to the person or entity to whom the subpoena is addressed to:
 - (a) appear and testify at the time and place set forth in the subpoena;
 - (b) appear and testify at the time and place designated in the subpoena and produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; or

- (c) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at the time and place designated in the subpoena.

Amended by Chapter 1, 2013 Special Session 1

Amended by Chapter 1, 2013 Special Session 1

36-14-4 Service.

Legislative subpoenas may be served:

- (1) within the state, by the sheriff of the county where service is made, or by his deputy, or by any other person 18 years old or older who is not a member of the entity issuing the subpoena;
- (2) in another state or United States territory, by the sheriff of the county where the service is made, or by his deputy, or by a United States marshal or his deputy;
- (3) in a foreign country:
 - (a) by following the procedures prescribed by the law of the foreign country;
 - (b) upon an individual, by any person 18 years old or older who is not a member of the entity delivering the subpoena to him personally, and upon a corporation or partnership or association, by any person 18 years old or older who is not a member of the entity delivering the subpoena to an officer, a managing or general agent of the corporation, partnership, or association; or
 - (c) by any form of mail requiring a signed receipt, to be addressed and dispatched by the legislative general counsel to the party to be served; or
- (4) by electronic transmission requiring acknowledgment of receipt.

Amended by Chapter 21, 2023 General Session

36-14-5 Legislative subpoenas -- Enforcement.

- (1) If any person disobeys or fails to comply with a legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, that person is in contempt of the Legislature.
- (2)
 - (a) When the subject of a legislative subpoena disobeys or fails to comply with the legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, the issuer may:
 - (i) file a motion for an order to compel obedience to the subpoena with the district court;
 - (ii) file, with the district court, a motion for an order to show cause why the penalties established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person named in the subpoena for contempt of the Legislature; or
 - (iii) pursue other remedies against persons in contempt of the Legislature.
 - (b)
 - (i) Upon receipt of a motion under this subsection, the court shall expedite the hearing and decision on the motion.
 - (ii) A court may:
 - (A) order the person named in the subpoena to comply with the subpoena; and
 - (B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon the person named in the subpoena for contempt.
- (3)
 - (a) If a legislative subpoena requires the production of accounts, books, papers, documents, electronically stored information, or tangible things, the person or entity to whom the

subpoena is directed may petition a district court to quash or modify the subpoena at or before the time specified in the subpoena for compliance.

- (b) An issuer may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by Subsection (2).
 - (c) If the court finds that a legislative subpoena requiring the production of accounts, books, papers, documents, electronically stored information, or tangible things is unreasonable or oppressive, the court may quash or modify the subpoena.
- (4) Nothing in this section prevents an issuer from seeking an extraordinary writ to remedy contempt of the Legislature.
- (5) Any party aggrieved by a decision of a court under this section may appeal that action directly to the Utah Supreme Court.

Amended by Chapter 21, 2023 General Session

36-14-6 Fees and mileage.

Except state officers and employees, witnesses appearing pursuant to a legislative subpoena shall receive witness fees and mileage as provided by law for attendance before the district courts of this state.

Enacted by Chapter 174, 1989 General Session

Chapter 17 Legislative Process Committee

36-17-1 Legislative Process Committee -- Membership.

There is created a Legislative Process Committee.

- (1) The committee shall be composed of eight legislators appointed as follows:
 - (a) three senators, appointed by the president of the Senate, with one senator from the minority party; and
 - (b) five representatives, appointed by the speaker of the House of Representatives, with two representatives from the minority party.
- (2) The president of the Senate shall designate one of the Senate appointees as one cochair of the committee and the speaker of the House of Representatives shall designate one of the House of Representatives appointees as the other cochair.
- (3) Committee members serve for one year but may be reappointed by the speaker or president.
- (4) In conducting all of its business, the committee shall comply with the rules of legislative interim committees.
- (5) The Office of Legislative Research and General Counsel shall provide staff services to the committee.

Amended by Chapter 212, 1994 General Session

36-17-2 Committee duties.

The committee shall:

- (1) review existing legislative and budget procedures and study the legislative and budget procedures used in other states;

- (2) review and consider alternatives to the Utah Legislature's current process for preparing a budget;
- (3) review and consider alternatives to the Utah Legislature's current process for requesting, preparing, prefiling, and prioritizing legislation;
- (4) review and consider alternatives to the Utah Legislature's current process for interims;
- (5) review and consider alternatives to the current role of standing committees in the legislative process;
- (6) review and consider alternatives to the Utah Legislature's rules governing floor actions;
- (7) review and consider alternative measures to meet the constitutional requirements for Utah's legislative process;
- (8) review and consider any other matters involving the legislative process; and
- (9) make recommendations, if any, to the Legislative Management Committee for any changes to the legislative process.

Enacted by Chapter 164, 1991 General Session

Chapter 19 Conflicts of Interest

36-19-1 Conflict of interest -- Prohibition of benefit.

- (1) A legislator, member of his household, or client shall not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator unless the contract is let in compliance with state procurement policies and is open to the general public.
- (2) Any person violating this section shall be guilty of a class B misdemeanor.

Enacted by Chapter 100, 1992 General Session

Chapter 21 Filing Legislation Deadline

36-21-1 Definition -- Deadline for state governmental entities filing legislation -- Waiver.

- (1) "Governmental entity" means:
 - (a) the executive branch of the state, including all departments, institutions, boards, divisions, bureaus, offices, commissions, committees, and elected officials;
 - (b) the judicial branch of the state, including the courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;
 - (c) the State Board of Education, the Utah Board of Higher Education, and any state-funded institution of higher education or public education;
 - (d) the National Guard;
 - (e) all quasi independent entities created by statute; and
 - (f) any political subdivision of the state, including any county, city, town, school district, public transit district, redevelopment agency, special improvement or taxing district.
- (2) Legislation requested by a governmental entity may not be considered by the Legislature during the annual general session unless:

- (a) at the time the request for legislation is made it has a legislative sponsor;
 - (b) the request for legislation is filed with the Office of Legislative Research and General Counsel by December 1st of the year immediately before the Legislature's annual general session; and
 - (c) at the time the request for legislation is filed, it includes the purpose of the measure and all necessary drafting information.
- (3) The Legislature, by motion and with the approval of a majority vote in one house, may waive this requirement.
- (4) It is the intent of the Legislature that these agency requests will not be given higher priority than individual legislative requests filed at a later date.

Amended by Chapter 365, 2020 General Session

Chapter 22

Native American Legislative Liaison Committee

36-22-1 Native American Legislative Liaison Committee -- Creation -- Membership -- Chairs -- Salaries and expenses.

- (1) There is created the Native American Legislative Liaison Committee.
- (2) The committee consists of 11 members:
 - (a) seven members from the House of Representatives appointed by the speaker, no more than four of whom may be members of the same political party; and
 - (b) four members of the Senate appointed by the president, no more than two of whom may be members of the same political party.
- (3) The speaker of the House shall select one of the members from the House of Representatives to act as cochair of the committee.
- (4) The president of the Senate shall select one of the members from the Senate to act as cochair of the committee.
- (5) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 232, 2020 General Session

36-22-2 Duties.

- (1) The committee shall:
 - (a) serve as a liaison between Utah Native American tribes and the Legislature;
 - (b) recommend legislation for each annual general session of the Legislature if the committee determines that modifications to current law are in the best interest of the state of Utah and of the Utah Native American tribes;
 - (c) review the operations of the Division of Indian Affairs and other state agencies working with Utah Native American tribes;
 - (d) help sponsor meetings and other opportunities for discussion with and between Native Americans; and
 - (e) hold a meeting at which public education is discussed as required by Section 53F-5-604.
- (2) In conducting its business, the committee shall comply with the rules of legislative interim committees.

Amended by Chapter 415, 2018 General Session

36-22-3 Staff support.

The Office of Legislative Research and General Counsel shall provide staff support to the committee.

Enacted by Chapter 143, 1995 General Session

Chapter 27
Legislature's Counsel to United States Senators

36-27-101 Title.

This chapter is known as "Legislature's Counsel to United States Senators."

Enacted by Chapter 390, 2011 General Session

36-27-102 Legislative counsel to United States Senators.

- (1) The Legislature may provide counsel to United States senators representing Utah.
- (2) The Legislature may request that United States senators representing Utah provide a single response or periodic reports to the Legislature on:
 - (a) each senator's progress with or response to the counsel given under Subsection (1); or
 - (b) other issues as determined by the Legislature.

Enacted by Chapter 390, 2011 General Session

36-27-103 Resolution of the Legislature -- Written statement.

- (1) The Legislature may provide any counsel or reporting requests under Section 36-27-102 by:
 - (a) passing a joint resolution of the Legislature; or
 - (b) issuing a written statement that contains the signatures of a majority of the members of the House and a majority of the members of the Senate.
- (2) A written statement under Subsection (1)(b) shall be referred to as "The Legislature's Counsel to United States Senators Representing Utah."

Enacted by Chapter 390, 2011 General Session

36-27-104 Issuance of resolution or written statement -- Reporting requirements.

- (1)
 - (a) Any resolution or written statement that is issued under this chapter shall be sent to each United States senator representing Utah.
 - (b) A copy of any resolution or written statement that is issued under this chapter shall be sent to each representative from the state serving in Congress.
- (2) Each resolution or written statement issued under this chapter shall specify that a United States senator shall provide the following to the Office of Legislative Research and General Counsel when submitting a report in response to a resolution or written statement:
 - (a) prior notice of any verbal response or report; or

- (b) a copy of any written response or report.
- (3) The Office of Legislative Research and General Counsel shall maintain a record of:
 - (a) any resolution or written statement issued under this chapter; and
 - (b) each response and report provided to the Legislature by a United States senator in response to a resolution or written statement issued under this chapter.

Enacted by Chapter 390, 2011 General Session

Chapter 28

Veterans and Military Affairs Commission

36-28-101 Title.

This chapter is known as the "Veterans and Military Affairs Commission."

Amended by Chapter 39, 2018 General Session

36-28-102 Veterans and Military Affairs Commission -- Creation -- Membership -- Chairs -- Terms -- Per diem and expenses.

- (1) There is created the Veterans and Military Affairs Commission.
- (2) The commission membership is composed of 19 permanent members, but may not exceed 24 members, and is as follows:
 - (a) five legislative members to be appointed as follows:
 - (i) three members from the House of Representatives, appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party; and
 - (ii) two members from the Senate, appointed by the president of the Senate, no more than one of whom may be from the same political party;
 - (b) the executive director of the Department of Veterans and Military Affairs or the director's designee;
 - (c) the chair of the Utah Veterans Advisory Council;
 - (d) the executive director of the Department of Workforce Services or the director's designee;
 - (e) the executive director of the Department of Health or the director's designee;
 - (f) the executive director of the Department of Human Services or the director's designee;
 - (g) the adjutant general of the Utah National Guard or the adjutant general's designee;
 - (h) the Guard and Reserve Transition Assistance Advisor;
 - (i) a member of the Utah Board of Higher Education or that member's designee;
 - (j) three representatives of veteran service organizations recommended by the Veterans Advisory Council and confirmed by the commission;
 - (k) one member of the Executive Committee of the Utah Defense Alliance;
 - (l) one military affairs representative from a chamber of commerce member, appointed by the Utah State Chamber of Commerce; and
 - (m) a representative from the Veterans Health Administration.
- (3) The commission may appoint by majority vote of the entire commission up to five pro tempore members, representing:
 - (a) state or local government agencies;
 - (b) interest groups concerned with veterans issues; or
 - (c) the general public.

- (4)
 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the commission.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
- (5) A majority of the members of the commission shall constitute a quorum. The action of a majority of a quorum constitutes the action of the commission.
- (6) The term for each pro tempore member appointed in accordance with Subsection (3) shall be two years from July 1 of the year of appointment. A pro tempore member may not serve more than three terms.
- (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was originally appointed. A person appointed to fill a vacancy under Subsection (6) serves the remaining unexpired term of the member being replaced. If the remaining unexpired term is less than six months, the newly appointed member shall be reappointed on July 1. The time served until July 1 is not counted in the restriction set forth in Subsection (6).
- (8) A member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9) Salaries and expenses of the members of the commission who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

Amended by Chapter 78, 2021 General Session

36-28-103 Duties.

The commission shall:

- (1) comply with the rules of legislative interim committees;
- (2) study and make recommendations to the Legislature on the following issues as they impact active duty servicemembers, veterans, and their dependents:
 - (a) reintegration from military to civilian status;
 - (b) employment;
 - (c) finances;
 - (d) education;
 - (e) health and mental health, including suicide prevention;
 - (f) military affairs, including the impact of military bases; and
 - (g) coordination of state and local government resources to assist active duty servicemembers, veterans, and their dependents; and
- (3) consider the unique role of the Utah National Guard and its servicemembers in regard to the issues in Subsection (2).

Enacted by Chapter 150, 2014 General Session

36-28-104 Staff support.

The Office of Legislative Research and General Counsel shall staff the commission.

Enacted by Chapter 150, 2014 General Session

Chapter 29 Task Forces Created by the Legislature

Part 1 Legislative Task Forces

36-29-101 Title.

This chapter is known as "Task Forces Created by the Legislature."

Amended by Chapter 205, 2021 General Session

36-29-107.5 Murdered and Missing Indigenous Relatives Task Force -- Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties -- Interim report.

- (1) As used in this section, "task force" means the Murdered and Missing Indigenous Relatives Task Force created in Subsection (2).
- (2) There is created the Murdered and Missing Indigenous Relatives Task Force consisting of the following nine members:
 - (a) one member of the Senate appointed by the president of the Senate;
 - (b) one member of the House of Representatives appointed by the speaker of the House of Representatives;
 - (c) the following three members, appointed jointly by the president of the Senate and the speaker of the House of Representatives:
 - (i) a member of a nonprofit organization primarily serving Utah's Native American community;
 - (ii) a representative of a Utah Native American tribe; and
 - (iii) a representative of a victim advocate organization serving Utah's Native American population;
 - (d) the director of the Division of Indian Affairs, or the director's designee;
 - (e) the executive director of the Department of Human Services, or the executive director's designee;
 - (f) the attorney general, or the attorney general's designee; and
 - (g) the commissioner of public safety for the Department of Public Safety, or the commissioner's designee.
- (3) A vacancy in a position appointed under Subsection (2)(a), (b), or (c) shall be filled by appointing a replacement member in the same manner as the member creating the vacancy was appointed under Subsection (2)(a), (b), or (c).
- (4)
 - (a) The member of the Senate appointed under Subsection (2)(a) is a cochair of the task force.
 - (b) The member of the House of Representatives appointed under Subsection (2)(b) is a cochair of the task force.
- (5)
 - (a) A quorum consists of five members.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (6)

- (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- (b) A member of the task force who is not a legislator:
 - (i) may not receive compensation or benefits for the member's service associated with the task force; and
 - (ii) may receive per diem and travel expenses incurred as a member of the task force at the rates the Division of Finance establishes in accordance with:
 - (A) Sections 63A-3-106 and 63A-3-107; and
 - (B) rules the Division of Finance makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of Sections 63A-3-106 and 63A-3-107.
- (7) The Office of Legislative Research and General Counsel shall provide staff support to the task force.
- (8) The task force shall:
 - (a) conduct appropriate consultations with tribal governments on the scope and nature of the issues regarding murdered and missing indigenous women and girls;
 - (b) develop model protocols and procedures to apply to new and unsolved cases of murdered or missing indigenous women and girls, including the best practices for:
 - (i) improving the way law enforcement investigators and prosecutors respond to the high volume of the cases, and to the investigative challenges that might be presented in cases involving female victims;
 - (ii) collecting and sharing data among various jurisdictions and law enforcement agencies; and
 - (iii) better use of existing criminal databases;
 - (c) seek input from multi-disciplinary and multi-jurisdictional persons, including representatives from tribal law enforcement and federal agencies, about how to review cold cases involving murdered and missing indigenous women and girls; and
 - (d) address the need for greater clarity concerning roles, authorities, and jurisdiction throughout the lifecycle of cases involving murdered and missing indigenous women and girls, by discussing:
 - (i) best practices in cases involving murdered and missing indigenous women and girls, including best practices related to communication with affected families from initiation of an investigation through case resolution or closure; and
 - (ii) education and outreach campaigns for communities that are most affected by crime resulting in murdered and missing indigenous women and girls, to identify and reduce the crime.
- (9)
 - (a) On or before November 30, 2024, the task force shall provide a report to the Law Enforcement and Criminal Justice Interim Committee.
 - (b) The report described in Subsection (9)(a) shall include a summary of the task force's findings under Subsection (8) and recommendations for improvements in the criminal justice and social service systems for preventing and addressing crimes involving murdered and missing indigenous women and girls in the state.

Amended by Chapter 101, 2023 General Session

36-29-108 Criminal Code Evaluation Task Force.

- (1) As used in this section, "task force" means the Criminal Code Evaluation Task Force created in this section.
- (2) There is created the Criminal Code Evaluation Task Force consisting of the following 15 members:
 - (a) three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party;
 - (b) three members of the House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party;
 - (c) the executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee;
 - (d) the director of the Utah Sentencing Commission or the director's designee;
 - (e) one member appointed by the presiding officer of the Utah Judicial Council;
 - (f) one member of the Utah Prosecution Council appointed by the chair of the Utah Prosecution Council;
 - (g) the executive director of the Department of Corrections or the executive director's designee;
 - (h) the commissioner of the Department of Public Safety or the commissioner's designee;
 - (i) the director of the Utah Office for Victims of Crime or the director's designee;
 - (j) an individual who represents an association of criminal defense attorneys, appointed by the president of the Senate; and
 - (k) an individual who represents an association of victim advocates, appointed by the speaker of the House of Representatives.
- (3)
 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the task force.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- (4)
 - (a) A majority of the members of the task force constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (5)
 - (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A member of the task force who is not a legislator:
 - (i) may not receive compensation for the member's work associated with the task force; and
 - (ii) may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (6) The Office of Legislative Research and General Counsel shall provide staff support to the task force.
- (7) The task force shall review the state's criminal code and related statutes and make recommendations regarding:
 - (a) the proper classification of crimes by degrees of felony and misdemeanor;
 - (b) standardizing the format of criminal statutes; and
 - (c) other modifications related to the criminal code and related statutes.
- (8) On or before November 30 of each year that the task force is in effect, the task force shall provide a report, including any proposed legislation, to:
 - (a) the Law Enforcement and Criminal Justice Interim Committee; and

- (b) the Legislative Management Committee.
- (9) The task force is repealed July 1, 2028.

Amended by Chapter 112, 2023 General Session

36-29-109 Utah Broadband Center Advisory Commission.

- (1) As used in this section:
 - (a) "Broadband infrastructure funds" means the funds available for broadband infrastructure pursuant to:
 - (i) the Infrastructure Investment and Jobs Act, Pub. L. No. 115-58;
 - (ii) legislative appropriations; and
 - (iii) state and federal grants.
 - (b) "Center" means the Utah Broadband Center created in Section 63N-17-201.
 - (c) "Commission" means the Utah Broadband Center Advisory Commission created in Subsection (2).
 - (d) "Strategic plan" means the statewide digital connectivity plan described in Section 63N-17-203.
- (2) There is created the Utah Broadband Center Advisory Commission consisting of the following nine voting members:
 - (a) two members of the Senate, appointed by the president of the Senate;
 - (b) two members of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (c) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee;
 - (d) the governor shall appoint four members who currently work in the public sector and who have professional experience in:
 - (i) broadband or broadband infrastructure;
 - (ii) applying for federal grants; or
 - (iii) financing infrastructure.
- (3) In addition to the nine voting members, the director of the center, or the director's designee, shall serve on the commission in a nonvoting capacity.
- (4)
 - (a) The president of the Senate shall designate one of the members described in Subsection (2) (a) to serve as cochair of the commission.
 - (b) The speaker of the House of Representatives shall designate one of the members described in Subsection (2)(b) to serve as cochair of the commission.
- (5)
 - (a) If a vacancy occurs in the membership of the commission, the member shall be replaced in the same manner in which the original appointment was made.
 - (b) A member shall serve until the member's successor is appointed and qualified.
- (6)
 - (a) A majority of the members of the commission constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the commission.
- (7)
 - (a) Salaries and expenses of the members of the commission who are legislators shall be paid in accordance with:
 - (i) Section 36-2-2;
 - (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and

- (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- (b) A member of the commission who is not a legislator may not receive compensation for the member's work associated with the commission but may receive per diem and reimbursement for travel expenses incurred as a member of the commission at the rates established by the Division of Finance under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (8) The center shall provide staff support to the commission.
- (9) The commission shall:
 - (a) make recommendations to the center with respect to:
 - (i) strategic plan development; and
 - (ii) the application for and use of broadband infrastructure funds;
 - (b) solicit input from relevant stakeholders, including:
 - (i) public and private entities who may assist in developing and implementing the strategic plan; and
 - (ii) public and private entities whom the strategic plan may impact;
 - (c) provide recommendations for strategic plan development and implementation based on the input described in Subsection (9)(b);
 - (d) review strategic plan drafts; and
 - (e) recommend changes.
- (10) The commission shall meet as needed.

Enacted by Chapter 458, 2022 General Session

36-29-110 Blockchain and Digital Innovation Task Force.

- (1) As used in this section, "task force" means the Blockchain and Digital Innovation Task Force created in this section.
- (2) There is created the Blockchain and Digital Innovation Task Force consisting of the following members:
 - (a) the president of the Senate shall appoint:
 - (i) one member of the Senate;
 - (ii) two members who have experience in:
 - (A) blockchain;
 - (B) cryptocurrency;
 - (C) financial technology; or
 - (D) digital innovation technology; and
 - (iii) up to two additional members;
 - (b) the speaker of the House of Representatives shall appoint:
 - (i) one member of the House of Representatives;
 - (ii) two members who have experience in:
 - (A) blockchain;
 - (B) cryptocurrency;
 - (C) financial technology; or
 - (D) digital innovation technology; and
 - (iii) up to two additional members;
 - (c) the state treasurer, or the state treasurer's designee;
 - (d) the attorney general, or the attorney general's designee; and

- (e) the governor shall appoint:
 - (i) two members with experience in:
 - (A) blockchain;
 - (B) cryptocurrency;
 - (C) financial technology; or
 - (D) digital innovation technology; and
 - (ii) up to three additional members.
- (3)
 - (a) The member described in Subsection (2)(a)(i) shall serve as cochair of the task force.
 - (b) The member described in Subsection (2)(b)(i) shall serve as cochair of the task force.
- (4)
 - (a) If a vacancy occurs in the membership of the task force described in Subsection (2)(a), (b), or (e), the member shall be replaced in the same manner in which the original appointment was made.
 - (b) A member appointed under Subsections (2)(c) through (e) shall serve until the member's successor is appointed and qualified.
- (5)
 - (a) A majority of the members of the task force constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (6)
 - (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with:
 - (i) Section 36-2-2;
 - (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and
 - (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A member of the task force who is not a legislator may not receive compensation for the member's work associated with the task force but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (7)
 - (a) With good cause, a quorum of the task force may vote to remove a member of the task force described in Subsection (2)(a), (b), or (e).
 - (b) A member removed under Subsection (7)(a) shall be replaced in accordance with the process for vacancies described in Subsection (4).
- (8) The Division of Finance shall provide staff support to the task force.
- (9) The task force shall:
 - (a) develop knowledge and expertise among task force members regarding issues pertaining to blockchain, financial technology, and digital innovation technology; and
 - (b) develop and introduce recommendations regarding policy pertaining to:
 - (i) the promotion in the state of the adoption of blockchain, financial technology, and digital innovation;
 - (ii) the development of nonfinancial incentives for industries in the state related to blockchain, financial technology, and digital innovation;
 - (iii) the promotion of partnerships with existing financial institutions and regulated financial service entities with respect to blockchain, financial technology, and digital innovation; and

- (iv) the regulation in the state of blockchain, financial technology, and digital innovation.
- (10) The task force shall report annually on or before November 30 to:
 - (a) the Business and Labor Interim Committee; and
 - (b) the Legislative Management Committee.

Enacted by Chapter 363, 2022 General Session

36-29-111 Criminal Justice Data Management Task Force.

- (1) As used in this section, "task force" means the Criminal Justice Data Management Task Force created in this section.
- (2) There is created the Criminal Justice Data Management Task Force consisting of the following members:
 - (a) three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party;
 - (b) three members of the House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party; and
 - (c) representatives from the following organizations as requested by the executive director of the State Commission on Criminal and Juvenile Justice:
 - (i) the State Commission on Criminal and Juvenile Justice;
 - (ii) the Office of the Utah Attorney General;
 - (iii) the Judicial Council;
 - (iv) the Statewide Association of Prosecutors;
 - (v) the Department of Corrections;
 - (vi) the Department of Public Safety;
 - (vii) the Utah League of Cities and Towns;
 - (viii) the Utah Association of Counties;
 - (ix) the Utah Chiefs of Police Association;
 - (x) the Utah Sheriffs Association;
 - (xi) the Board of Pardons and Parole;
 - (xii) a representative from a bail bond agency; and
 - (xiii) any other organizations or groups as recommended by the executive director of the Commission on Criminal and Juvenile Justice.
- (3)
 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the task force.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- (4)
 - (a) A majority of the members of the task force present at a meeting constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (5)
 - (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A member of the task force who is not a legislator:
 - (i) may not receive compensation for the member's work associated with the task force; and

- (ii) may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (6) The State Commission on Criminal and Juvenile Justice shall provide staff support to the task force.
- (7) The task force shall review the state's current criminal justice data collection requirements and make recommendations regarding:
 - (a) possible ways to connect the various records systems used throughout the state so that data can be shared between criminal justice agencies and with policymakers;
 - (b) ways to automate the collection, storage, and dissemination of the data;
 - (c) standardizing the format of data collection and retention; and
 - (d) the collection of data not already required related to criminal justice.
- (8) On or before November 30 of each year that the task force is in effect, the task force shall provide a report, including any proposed legislation, to:
 - (a) the Law Enforcement and Criminal Justice Interim Committee; and
 - (b) the Legislative Management Committee.
- (9) The task force is repealed July 1, 2025.

Amended by Chapter 87, 2023 General Session

36-29-112 Justice Court Reform Task Force.

- (1) As used in this section, "task force" means the Justice Court Reform Task Force created in Subsection (2).
- (2) There is created the Justice Court Reform Task Force consisting of the following members:
 - (a) two members of the Senate, appointed by the president of the Senate;
 - (b) two members of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (c) the state court administrator or the state court administrator's designee;
 - (d) the executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee;
 - (e) one member representing municipalities, appointed by the Utah League of Cities and Towns;
 - (f) one member representing counties, appointed by the Utah Association of Counties; and
 - (g) one attorney representing the Utah State Bar, appointed by the Utah State Bar.
- (3)
 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the task force.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- (4) If a vacancy occurs in the membership of the task force described in Subsection (2), the member shall be replaced in the same manner in which the original appointment was made.
- (5)
 - (a) A majority of the members of the task force constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (6) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with:
 - (a) Section 36-2-2;
 - (b) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and
 - (c) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

- (7) A member of the task force who is not a legislator:
 - (a) may not receive compensation for the member's work associated with the task force; and
 - (b) may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (8) The Office of Legislative Research and General Counsel shall provide staff support to the task force.
- (9) The task force shall review the court system of this state and make recommendations regarding:
 - (a) the structure and organization of the court system of this state;
 - (b) appeals from the justice court to the district court;
 - (c) qualifications and requirements for justice court judges;
 - (d) the procedures and practices for small claims cases and infractions; and
 - (e) other changes related to justice courts.
- (10) On or before November 30 of each year that the task force is in effect, the task force shall provide a report, including any proposed legislation, to:
 - (a) the Judiciary Interim Committee; and
 - (b) the Legislative Management Committee.
- (11) The task force is repealed July 1, 2025.

Enacted by Chapter 475, 2023 General Session

Chapter 32 Judicial Rules Review Committee

Part 1 General Provisions

36-32-101 Title.

This chapter is known as "Judicial Rules Review Committee."

Enacted by Chapter 154, 2020 General Session

36-32-102 Definitions.

As used in this chapter:

- (1) "Advisory committee" means the committee that proposes to the Supreme Court rules or changes in rules related to:
 - (a) civil procedure;
 - (b) criminal procedure;
 - (c) juvenile procedure;
 - (d) appellate procedure;
 - (e) evidence; and
 - (f) professional conduct.
- (2) "Committee" means the Judicial Rules Review Committee created in Section 36-32-201.
- (3) "Court rule" means any of the following:

- (a) rules of procedure, evidence, or practice for use of the courts of this state;
 - (b) rules governing and managing the appellate process adopted by the Supreme Court; or
 - (c) rules adopted by the Judicial Council for the administration of the courts of the state.
- (4)"Judicial Council" means the administrative body of the courts, established in Utah Constitution, Article VIII, Section 12, and Section 78A-2-104.
- (5)"Proposal for court rule" means the proposed language in a court rule that is submitted to:
- (a) the Judicial Council;
 - (b) the advisory committee; or
 - (c) the Supreme Court.

Enacted by Chapter 154, 2020 General Session

Part 2

Judicial Rules Review Committee

36-32-201 Establishment of committee -- Membership -- Duties.

- (1) There is created a six member Judicial Rules Review Committee.
- (2)
- (a) The committee is comprised of:
 - (i) three members of the Senate, no more than two from the same political party, appointed by the president of the Senate; and
 - (ii) three members of the House of Representatives, no more than two from the same political party, appointed by the speaker of the House of Representatives.
 - (b) A member shall serve for a two-year term, or until the member's successor is appointed.
 - (c)
 - (i) A vacancy exists when a member:
 - (A) is no longer a member of the Legislature; or
 - (B) resigns from the committee.
 - (ii) The appointing authority shall fill a vacancy.
 - (iii) A member appointed to fill a vacancy shall serve out the unexpired term.
 - (d) The committee may meet as needed:
 - (i) to review:
 - (A) court rules;
 - (B) proposals for court rules; or
 - (C) conflicts between court rules or proposals for court rules and statute or the Utah Constitution; or
 - (ii) to recommend legislative action related to a review described in Subsection (2)(d)(i).

Enacted by Chapter 154, 2020 General Session

36-32-202 Submission of court rules or proposals for court rules.

- (1) The Supreme Court or the Judicial Council shall submit to the committee and the governor each court rule, proposal for court rule, and any additional information related to a court rule or proposal for court rule that the Supreme Court or Judicial Council considers relevant:
- (a) when the court rule or proposal for court rule is submitted:
 - (i) to the Judicial Council for consideration or approval for public comment; or

- (ii) to the Supreme Court by the advisory committee after the advisory committee's consideration or approval; and
 - (b) when the approved court rule or approved proposal for court rule is made available to members of the bar and the public for public comment.
- (2) At the time of submission under Subsection (1), the Supreme Court or Judicial Council shall provide the committee with the name and contact information of a Supreme Court advisory committee or Judicial Council employee whom the committee may contact about the submission.

Enacted by Chapter 154, 2020 General Session

36-32-203 Review of rules -- Criteria.

- (1) As used in this section, "court rule" means a new court rule, a proposal for court rule, or an existing court rule.
- (2) The committee:
- (a) shall review and evaluate a submission of:
 - (i) a court rule; or
 - (ii) a proposal for court rule; and
 - (b) may review an existing court rule.
- (3) The committee shall conduct a review of a court rule described in Subsection (2) based on the following criteria:
- (a) whether the court rule is authorized by the state constitution or by statute;
 - (b) if authorized by statute, whether the court rule complies with legislative intent;
 - (c) whether the court rule is in conflict with existing statute or governs a policy expressed in statute;
 - (d) whether the court rule is primarily substantive or procedural in nature;
 - (e) whether the court rule infringes on the powers of the executive or legislative branch of government;
 - (f) the impact of the court rule on an affected person;
 - (g) the purpose for the court rule, and if applicable, the reason for a change to an existing court rule;
 - (h) the anticipated cost or savings due to the court rule to:
 - (i) the state budget;
 - (ii) local governments; and
 - (iii) individuals; and
 - (i) the cost to an affected person of complying with the court rule.

Enacted by Chapter 154, 2020 General Session

36-32-204 Committee review -- Fiscal analyst -- Powers of committee.

- (1) To carry out the committee's duties, the committee may examine issues that the committee considers necessary in addition to the issues described in this chapter.
- (2) The committee may request that the Office of the Legislative Fiscal Analyst prepare a fiscal note on any court rule or proposal for court rule.
- (3) The committee has the powers granted to a legislative interim committee described in Section 36-12-11.

Enacted by Chapter 154, 2020 General Session

36-32-205 Findings -- Report -- Distribution of report.

- (1) The committee may:
 - (a) make an informal recommendation about a court rule or proposal for court rule; or
 - (b) provide written findings of the committee's review of a court rule or proposal for court rule; and
 - (c) if the committee identifies significant issues, provide written recommendations for:
 - (i) legislative action;
 - (ii) Supreme Court rulemaking action; or
 - (iii) Judicial Council rulemaking action.
- (2) The committee shall provide to the Supreme Court or the Judicial Council:
 - (a) a copy of the committee's findings or recommendations described in Subsection (1); and
 - (b) a request that the Supreme Court or Judicial Council notify the committee of the Supreme Court or Judicial Council's response.
- (3) The committee may prepare a report that includes:
 - (a) the findings and recommendations made by the committee based on the criteria described in Section 36-32-203;
 - (b) any action taken by the Supreme Court or Judicial Council in response to recommendations from the committee; and
 - (c) any recommendations described in Subsection (1).
- (4) The committee shall provide a report described in Subsection (3) to:
 - (a) the speaker of the House of Representatives;
 - (b) the president of the Senate;
 - (c) the chair of the House Judiciary Standing Committee;
 - (d) the chair of the Senate Judiciary, Law Enforcement, and Criminal Justice Standing Committee;
 - (e) the Judiciary Interim Committee;
 - (f) the governor;
 - (g) the Executive Offices and Criminal Justice Appropriations Subcommittee;
 - (h) the Judicial Council; and
 - (i) the Supreme Court.

Enacted by Chapter 154, 2020 General Session

36-32-206 Submission of court rules or proposed court rules.

When the Supreme Court or Judicial Council submits a court rule or proposal for court rule for public comment, the Supreme Court or Judicial Council shall submit the court rule or proposal for court rule to publication houses that publish court rules, proposals to court rules, case law, or other relevant information for individuals engaged in the legal profession.

Enacted by Chapter 154, 2020 General Session

36-32-207 Duties of staff.

The Office of Legislative Research and General Counsel shall, when practicable, attend meetings of the advisory committees of the Supreme Court.

Enacted by Chapter 154, 2020 General Session

Chapter 33

Child Welfare Legislative Oversight Panel

36-33-101 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- (2) "Division" means the Division of Child and Family Services created in Section 80-2-201.
- (3) "Panel" means the Child Welfare Legislative Oversight Panel created in Section 36-33-102.

Enacted by Chapter 334, 2022 General Session

36-33-102 Child Welfare Legislative Oversight Panel -- Creation -- Membership -- Interim rules -- Per diem -- Staff support.

- (1) There is created the Child Welfare Legislative Oversight Panel composed of the following members:
 - (a) two members of the Senate, one from the majority party and one from the minority party, appointed by the president of the Senate; and
 - (b) three members of the House of Representatives, two from the majority party and one from the minority party, appointed by the speaker of the House of Representatives.
- (2)
 - (a) The president of the Senate shall designate one of the senators appointed to the panel under Subsection (1) as the Senate chair of the panel.
 - (b) The speaker of the House of Representatives shall designate one of the representatives appointed to the panel under Subsection (1) as the House chair of the panel.
- (3)
 - (a) A member of the panel shall serve for two-year terms, or until the member's successor is appointed.
 - (b)
 - (i) A vacancy occurs when a member ceases to be a member of the Legislature, or when a member resigns from the panel.
 - (ii) If a vacancy occurs in the membership of the panel, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was appointed.
- (4) The panel shall follow the interim committee rules established by the Legislature.
- (5) A member of the panel who is a legislator may be compensated in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (6)
 - (a) The Office of Legislative Research and General Counsel shall provide staff support to the panel.
 - (b) The panel is authorized to employ additional professional assistance and other staff members as the panel considers necessary and appropriate.

Enacted by Chapter 334, 2022 General Session

36-33-103 Panel powers and duties -- Record access and confidentiality.

- (1) The panel shall:

- (a) examine and observe the process and execution of laws governing the child welfare system by the executive branch and the judicial branch;
 - (b) upon request, receive testimony from the public, the juvenile court, or a state agency involved with the child welfare system, including the division, another office or agency within the department, the attorney general, the Office of Guardian Ad Litem, or a school district;
 - (c) before October 1 of each year, receive a report from the Administrative Office of the Courts identifying the cases not in compliance with the time limits established in the following sections, and the reasons for noncompliance:
 - (i) Subsection 80-3-301(1), regarding shelter hearings;
 - (ii) Section 80-3-401, regarding pretrial and adjudication hearings;
 - (iii) Section 80-3-402, regarding dispositional hearings;
 - (iv) Section 80-3-406, regarding reunification services; and
 - (v) Section 80-3-409, regarding permanency hearings and petitions for termination;
 - (d) receive recommendations from, and make recommendations to the governor, the Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile court, and the public;
 - (e)
 - (i) receive reports from the division and the Administrative Office of the Courts on budgetary issues impacting the child welfare system; and
 - (ii) before December 1 of each year, recommend, as the panel considers advisable, budgetary proposals to the Social Services Appropriations Subcommittee and the Executive Offices and Criminal Justice Appropriations Subcommittee;
 - (f) study and recommend changes to laws governing the child welfare system;
 - (g) study actions the state can take to preserve, unify, and strengthen the child's family ties whenever possible in the child's best interest, including recognizing the constitutional rights and claims of parents if those family ties are severed or infringed;
 - (h) perform other duties related to the oversight of the child welfare system as the panel considers appropriate; and
 - (i) annually report the panel's findings and recommendations to the president of the Senate, the speaker of the House of Representatives, the Health and Human Services Interim Committee, and the Judiciary Interim Committee.
- (2)
- (a) The panel may:
 - (i) review and discuss individual child welfare cases;
 - (ii) make recommendations to the Legislature, the governor, the Board of Juvenile Court Judges, the division, and any other statutorily created entity related to the policies and procedures of the child welfare system; and
 - (iii) hold public hearings, as the panel considers advisable, in various locations within the state to afford all interested persons an opportunity to appear and present the persons' views regarding the child welfare system.
 - (b)
 - (i) If the panel discusses an individual child welfare case, the panel shall close the panel's meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
 - (ii) If the panel discusses an individual child welfare case, the panel shall make reasonable efforts to identify and consider the concerns of all parties to the case.
 - (iii) The panel may not make recommendations to the court, the division, or any other public or private entity regarding the disposition of an individual child welfare case.
- (3)

- (a) A record of the panel regarding an individual child welfare case:
 - (i) is classified as private under Section 63G-2-302; and
 - (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2, Government Records Access and Management Act.
- (b)
 - (i) The panel shall have access to all of the division's records, including records regarding individual child welfare cases.
 - (ii) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act, all documents and information received by the panel from the division shall maintain the same classification under Title 63G, Chapter 2, Government Records Access and Management Act, that was designated by the division.
- (4) In order to accomplish the panel's oversight functions under this section, the panel has:
 - (a) all powers granted to legislative interim committees in Section 36-12-11; and
 - (b) legislative subpoena powers under, Chapter 14, Legislative Subpoena Powers.

Renumbered and Amended by Chapter 334, 2022 General Session

Chapter 34 Education and Training

Part 1 Statewide Elected Official Summit

36-34-101 Statewide elected official summit.

- (1) Beginning no later than 2024, the Legislature, under the direction of the speaker of the House of Representatives and the president of the Senate, shall host an annual summit for elected officials in Utah.
- (2) The purpose of the summit is to provide education and training to legislators and local elected officials, including:
 - (a) legal requirements for elected officials;
 - (b) professional development, leadership, management, and other skills related to functioning as an elected official;
 - (c) issues facing the state or local jurisdictions and the role of state and local elected officials in responding to both state and local issues;
 - (d) taxation, revenue, appropriation, and budgeting in relation to the state and local jurisdictions; and
 - (e) other education and training as the speaker of the House of Representatives and the president of the Senate may direct.

Enacted by Chapter 207, 2023 General Session