DEPARTMENT OF GOVERNMENT OPERATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill combines the Department of Administrative Services, the Department of Technology Services, and the Department of Human Resource Management into one, new department, the Department of Government Operations.

Highlighted Provisions:

This bill:

- combines the Department of Administrative Services, the Department of Technology Services, and the Department of Human Resource Management into one, new department, the Department of Government Operations;
- transfers existing divisions and offices within the Department of Administrative Services to the Department of Government Operations;
- changes the Department of Technology Services and the Department of Human Resource Management to divisions within the Department of Government Operations;
- recodifies the following:
  - Title 63F, Utah Technology Governance Act;
  - Title 67, Chapter 19, Utah State Personnel Management Act;
  - Title 67, Chapter 19e, Administrative Law Judges; and
  - Title 67, Chapter 25, General Requirements for State Officers and Employees;
- repeals a catch-all criminal provision; and
- makes conforming and technical changes.

Money Appropriated in this Bill:

30 This bill provides appropriations necessary to merge the Department of Administrative
31 Services, the Department of Human Resource Management, and the Department of
32 Technology Services into the new Department of Government Operations.
33 **Other Special Clauses:**
34 This bill provides a special effective date.
35 This bill provides revisor instructions.
36 This bill provides a coordination clause.
37 **Utah Code Sections Affected:**
38 AMENDS:
39 **4-41a-107**, as enacted by Laws of Utah 2019, Chapter 341
40 **10-2-703**, as last amended by Laws of Utah 2019, Chapter 255
41 **11-36a-501**, as enacted by Laws of Utah 2011, Chapter 47
42 **11-38-102**, as last amended by Laws of Utah 2013, Chapter 310
43 **13-1a-3**, as last amended by Laws of Utah 2006, Chapter 139
44 **13-2-3**, as last amended by Laws of Utah 1999, Chapter 21
45 **15A-1-203**, as last amended by Laws of Utah 2020, Chapter 339
46 **20A-20-201**, as enacted by Laws of Utah 2020, Chapter 288
47 **26-61a-103**, as last amended by Laws of Utah 2020, Chapter 12
48 **26-61a-111**, as last amended by Laws of Utah 2020, Chapter 12
49 **31A-2-113**, as enacted by Laws of Utah 1985, Chapter 242
50 **35A-1-205**, as last amended by Laws of Utah 2010, Chapter 286
51 **35A-13-302**, as last amended by Laws of Utah 2017, Chapter 223
52 **36-11-307**, as last amended by Laws of Utah 2019, Chapter 339
53 **46-1-3**, as last amended by Laws of Utah 2019, Chapter 192
54 **46-4-503**, as last amended by Laws of Utah 2016, Chapter 348
55 **46-5-102**, as enacted by Laws of Utah 2018, Chapter 100
56 **49-11-406**, as last amended by Laws of Utah 2020, Chapter 24
57 **49-14-201**, as last amended by Laws of Utah 2016, Chapter 227

58 **49-15-201**, as last amended by Laws of Utah 2016, Chapter 227
59 **49-20-401**, as last amended by Laws of Utah 2019, Chapter 393
60 **49-20-410**, as last amended by Laws of Utah 2018, Chapter 155
61 **53-1-106**, as last amended by Laws of Utah 2019, Chapter 441
62 **53-2a-105**, as last amended by Laws of Utah 2020, Chapter 85
63 **53-2a-802**, as last amended by Laws of Utah 2020, Chapter 365
64 **53-6-104**, as last amended by Laws of Utah 2006, Chapter 139
65 **53-10-108**, as last amended by Laws of Utah 2019, Chapters 136, 192, and 404
66 **53B-17-105**, as last amended by Laws of Utah 2020, Chapter 365
67 **53C-1-201**, as last amended by Laws of Utah 2020, Chapter 363
68 **53D-1-103**, as last amended by Laws of Utah 2019, Chapters 370 and 456
69 **53E-8-301**, as last amended by Laws of Utah 2019, Chapter 186
70 **54-1-6**, as last amended by Laws of Utah 2006, Chapter 139
71 **54-4a-3**, as last amended by Laws of Utah 2006, Chapter 139
72 **61-1-18**, as last amended by Laws of Utah 2009, Chapter 351
73 **61-2-201**, as last amended by Laws of Utah 2016, Chapter 381
74 **62A-1-121**, as renumbered and amended by Laws of Utah 2018, Chapter 367
75 **62A-1-122**, as last amended by Laws of Utah 2019, Chapter 335
76 **62A-15-613**, as last amended by Laws of Utah 2018, Chapter 322
77 **63A-1-101**, as renumbered and amended by Laws of Utah 1993, Chapter 212
78 **63A-1-102**, as renumbered and amended by Laws of Utah 1993, Chapter 212
79 **63A-1-103**, as last amended by Laws of Utah 2016, Chapter 298
80 **63A-1-104**, as renumbered and amended by Laws of Utah 1993, Chapter 212
81 **63A-1-109**, as last amended by Laws of Utah 2016, Chapter 193
82 **63A-1-114**, as last amended by Laws of Utah 2018, Chapter 137
83 **63A-1-201**, as renumbered and amended by Laws of Utah 2019, Chapter 370
84 **63A-1-203**, as renumbered and amended by Laws of Utah 2019, Chapter 370
85 **63A-2-101**, as last amended by Laws of Utah 1997, Chapter 252

86 **63A-4-101**, as last amended by Laws of Utah 2006, Chapter 275
87 **63A-5b-202**, as enacted by Laws of Utah 2020, Chapter 152
88 **63A-9-101**, as last amended by Laws of Utah 2017, Chapter 382
89 **63A-9-201**, as enacted by Laws of Utah 1996, Chapter 334
90 **63A-9-301**, as last amended by Laws of Utah 2010, Chapter 286
91 **63A-9-401**, as last amended by Laws of Utah 2015, Chapter 179
92 **63A-9-501**, as last amended by Laws of Utah 2006, Chapter 139
93 **63A-12-101**, as last amended by Laws of Utah 2019, Chapter 254
94 **63A-12-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
95 **63A-12-103**, as last amended by Laws of Utah 2019, Chapter 254
96 **63A-12-104**, as last amended by Laws of Utah 2020, Chapter 399
97 **63A-13-201**, as last amended by Laws of Utah 2019, Chapter 286
98 **63B-7-501**, as last amended by Laws of Utah 2008, Chapter 382
99 **63E-1-302**, as last amended by Laws of Utah 2006, Chapter 46
100 **63G-1-301**, as last amended by Laws of Utah 2018, Chapter 39
101 **63G-2-501**, as last amended by Laws of Utah 2020, Chapters 352 and 373
102 **63G-3-102**, as last amended by Laws of Utah 2020, Chapter 408
103 **63G-3-401**, as last amended by Laws of Utah 2020, Chapter 408
104 **63G-4-107**, as enacted by Laws of Utah 2016, Chapter 312
105 **63G-6a-103**, as last amended by Laws of Utah 2020, Chapters 152, 257, 365 and last
106 amended by Coordination Clause, Laws of Utah 2020, Chapter 365
107 **63G-6a-106**, as last amended by Laws of Utah 2020, Chapter 257
108 **63G-6a-116**, as last amended by Laws of Utah 2017, Chapter 348
109 **63G-6a-202**, as last amended by Laws of Utah 2020, Chapter 365
110 **63G-6a-302**, as last amended by Laws of Utah 2020, Chapter 257
111 **63G-6a-303**, as last amended by Laws of Utah 2020, Chapter 257
112 **63G-6a-506**, as last amended by Laws of Utah 2020, Chapter 257
113 **63G-7-901**, as renumbered and amended by Laws of Utah 2008, Chapter 382

114 **63G-9-303**, as last amended by Laws of Utah 2016, Chapter 118
115 **63G-10-501**, as enacted by Laws of Utah 2015, Chapter 355
116 **63G-21-102**, as last amended by Laws of Utah 2018, Chapter 281
117 **63J-1-206**, as last amended by Laws of Utah 2020, Chapters 152, 231, 402 and last
118 amended by Coordination Clause, Laws of Utah 2020, Chapter 231
119 **63J-1-219**, as last amended by Laws of Utah 2020, Chapter 365
120 **63J-1-602.2**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 20
121 and 20
122 **67-1-8.1**, as last amended by Laws of Utah 2017, Chapter 181
123 **67-5-7**, as last amended by Laws of Utah 2007, Chapter 166
124 **67-5-22**, as last amended by Laws of Utah 2008, Chapter 161
125 **67-8-3**, as last amended by Laws of Utah 2020, Chapter 365
126 **67-8-5**, as last amended by Laws of Utah 2020, Chapter 432
127 **67-19a-101**, as last amended by Laws of Utah 2020, Chapter 155
128 **67-19a-202**, as last amended by Laws of Utah 2020, Chapter 155
129 **67-19a-205**, as enacted by Laws of Utah 2018, Chapter 390
130 **67-19a-303**, as last amended by Laws of Utah 2018, Chapter 390
131 **67-19a-501**, as last amended by Laws of Utah 2020, Chapter 155
132 **67-19d-201**, as last amended by Laws of Utah 2011, Chapter 342
133 **67-19f-102**, as last amended by Laws of Utah 2015, Chapter 368
134 **67-19f-201**, as last amended by Laws of Utah 2015, Chapter 368
135 **67-20-8**, as last amended by Laws of Utah 2006, Chapter 139
136 **67-22-2**, as last amended by Laws of Utah 2018, Chapter 39
137 **67-26-102**, as enacted by Laws of Utah 2020, Chapter 155
138 **67-26-202**, as enacted by Laws of Utah 2020, Chapter 155
139 **67-26-301**, as renumbered and amended by Laws of Utah 2020, Chapter 155
140 **72-1-202**, as last amended by Laws of Utah 2020, Chapter 352
141 **79-2-401**, as renumbered and amended by Laws of Utah 2009, Chapter 344

142 ENACTS:
143 **63A-17-107**, Utah Code Annotated 1953
144 **63A-17-501**, Utah Code Annotated 1953
145 RENUMBERS AND AMENDS:
146 **63A-16-101**, (Renumbered from 63F-1-101, as enacted by Laws of Utah 2005, Chapter
147 169)
148 **63A-16-102**, (Renumbered from 63F-1-102, as last amended by Laws of Utah 2020,
149 Chapter 365)
150 **63A-16-103**, (Renumbered from 63F-1-103, as last amended by Laws of Utah 2009,
151 Chapter 183)
152 **63A-16-104**, (Renumbered from 63F-1-104, as last amended by Laws of Utah 2020,
153 Chapter 94)
154 **63A-16-105**, (Renumbered from 63F-1-106, as last amended by Laws of Utah 2017,
155 Chapter 238)
156 **63A-16-106**, (Renumbered from 63F-1-107, as enacted by Laws of Utah 2005, Chapter
157 169)
158 **63A-16-201**, (Renumbered from 63F-1-201, as last amended by Laws of Utah 2019,
159 Chapter 61)
160 **63A-16-202**, (Renumbered from 63F-1-203, as last amended by Laws of Utah 2019,
161 Chapter 246)
162 **63A-16-203**, (Renumbered from 63F-1-204, as last amended by Laws of Utah 2017,
163 Chapter 238)
164 **63A-16-204**, (Renumbered from 63F-1-205, as last amended by Laws of Utah 2018,
165 Chapter 81)
166 **63A-16-205**, (Renumbered from 63F-1-206, as last amended by Laws of Utah 2020,
167 Chapter 365)
168 **63A-16-206**, (Renumbered from 63F-1-207, as last amended by Laws of Utah 2017,
169 Chapter 238)

170 **63A-16-207**, (Renumbered from 63F-1-208, as last amended by Laws of Utah 2017,
171 Chapter 238)
172 **63A-16-208**, (Renumbered from 63F-1-209, as last amended by Laws of Utah 2017,
173 Chapter 238)
174 **63A-16-209**, (Renumbered from 63F-1-210, as last amended by Laws of Utah 2017,
175 Chapter 238)
176 **63A-16-210**, (Renumbered from 63F-1-211, as enacted by Laws of Utah 2017, Chapter
177 238)
178 **63A-16-211**, (Renumbered from 63F-1-212, as last amended by Laws of Utah 2019,
179 Chapter 61)
180 **63A-16-212**, (Renumbered from 63F-1-603, as repealed and reenacted by Laws of Utah
181 2017, Chapter 238)
182 **63A-16-213**, (Renumbered from 63F-1-604, as last amended by Laws of Utah 2017,
183 Chapter 238)
184 **63A-16-301**, (Renumbered from 63F-1-301, as last amended by Laws of Utah 2009,
185 Chapter 183)
186 **63A-16-302**, (Renumbered from 63F-1-303, as last amended by Laws of Utah 2020,
187 Chapter 365)
188 **63A-16-401**, (Renumbered from 63F-1-402, as enacted by Laws of Utah 2005, Chapter
189 169)
190 **63A-16-402**, (Renumbered from 63F-1-403, as repealed and reenacted by Laws of Utah
191 2017, Chapter 238)
192 **63A-16-403**, (Renumbered from 63F-1-404, as last amended by Laws of Utah 2017,
193 Chapter 238)
194 **63A-16-501**, (Renumbered from 63F-1-502, as last amended by Laws of Utah 2017,
195 Chapter 238)
196 **63A-16-502**, (Renumbered from 63F-1-503, as repealed and reenacted by Laws of Utah
197 2017, Chapter 238)

198 **63A-16-503**, (Renumbered from 63F-1-504, as last amended by Laws of Utah 2017,
199 Chapter 238)
200 **63A-16-504**, (Renumbered from 63F-1-505, as enacted by Laws of Utah 2005, Chapter
201 169)
202 **63A-16-505**, (Renumbered from 63F-1-506, as last amended by Laws of Utah 2009,
203 Chapter 350)
204 **63A-16-506**, (Renumbered from 63F-1-507, as last amended by Laws of Utah 2019,
205 Chapter 35)
206 **63A-16-507**, (Renumbered from 63F-1-508, as last amended by Laws of Utah 2013,
207 Chapter 310)
208 **63A-16-508**, (Renumbered from 63F-1-509, as last amended by Laws of Utah 2020,
209 Chapter 154)
210 **63A-16-509**, (Renumbered from 63F-1-510, as last amended by Laws of Utah 2016,
211 Chapter 171)
212 **63A-16-601**, (Renumbered from 63F-1-701, as last amended by Laws of Utah 2020,
213 Chapter 154)
214 **63A-16-602**, (Renumbered from 63F-1-702, as enacted by Laws of Utah 2007, Chapter
215 249)
216 **63A-16-701**, (Renumbered from 63F-2-102, as last amended by Laws of Utah 2020,
217 Chapters 354 and 365)
218 **63A-16-702**, (Renumbered from 63F-2-103, as last amended by Laws of Utah 2016,
219 Chapter 13)
220 **63A-16-801**, (Renumbered from 63F-3-102, as last amended by Laws of Utah 2019,
221 Chapter 174)
222 **63A-16-802**, (Renumbered from 63F-3-103, as last amended by Laws of Utah 2020,
223 Chapter 270)
224 **63A-16-803**, (Renumbered from 63F-3-103.5, as last amended by Laws of Utah 2020,
225 Chapter 270)

226 **63A-16-804**, (Renumbered from 63F-3-104, as last amended by Laws of Utah 2019,
227 Chapter 174)
228 **63A-16-901**, (Renumbered from 63F-4-102, as enacted by Laws of Utah 2018, Chapter
229 144)
230 **63A-16-902**, (Renumbered from 63F-4-201, as last amended by Laws of Utah 2019,
231 Chapter 246)
232 **63A-16-903**, (Renumbered from 63F-4-202, as last amended by Laws of Utah 2019,
233 Chapter 246)
234 **63A-17-101**, (Renumbered from 67-19-1, as enacted by Laws of Utah 1979, Chapter
235 139)
236 **63A-17-102**, (Renumbered from 67-19-3, as last amended by Laws of Utah 2017,
237 Chapter 463)
238 **63A-17-103**, (Renumbered from 67-19-3.1, as last amended by Laws of Utah 2010,
239 Chapter 249)
240 **63A-17-104**, (Renumbered from 67-19-4, as last amended by Laws of Utah 2003,
241 Chapter 65)
242 **63A-17-105**, (Renumbered from 67-19-5, as last amended by Laws of Utah 2009,
243 Chapter 183)
244 **63A-17-106**, (Renumbered from 67-19-6, as last amended by Laws of Utah 2018,
245 Chapters 154 and 200)
246 **63A-17-108**, (Renumbered from 67-19-26, as last amended by Laws of Utah 2005,
247 Chapter 181)
248 **63A-17-201**, (Renumbered from 67-19-6.1, as last amended by Laws of Utah 2010,
249 Chapter 249)
250 **63A-17-202**, (Renumbered from 67-19-11, as last amended by Laws of Utah 2016,
251 Chapters 228, 287 and last amended by Coordination Clause, Laws of Utah 2016,
252 Chapter 287)
253 **63A-17-301**, (Renumbered from 67-19-15, as last amended by Laws of Utah 2020,

254 Chapter 360)
255 **63A-17-302**, (Renumbered from 67-19-15.1, as last amended by Laws of Utah 2006,
256 Chapter 139)
257 **63A-17-303**, (Renumbered from 67-19-15.6, as last amended by Laws of Utah 2020,
258 Chapter 109)
259 **63A-17-304**, (Renumbered from 67-19-15.7, as last amended by Laws of Utah 2017,
260 Chapter 463)
261 **63A-17-305**, (Renumbered from 67-19-16, as last amended by Laws of Utah 2010,
262 Chapters 103 and 249)
263 **63A-17-306**, (Renumbered from 67-19-18, as last amended by Laws of Utah 2010,
264 Chapter 249)
265 **63A-17-307**, (Renumbered from 67-19-12, as last amended by Laws of Utah 2017,
266 Chapter 463)
267 **63A-17-401**, (Renumbered from 67-19-13, as last amended by Laws of Utah 2006,
268 Chapter 139)
269 **63A-17-402**, (Renumbered from 67-19-13.5, as last amended by Laws of Utah 2016,
270 Chapter 348)
271 **63A-17-403**, (Renumbered from 67-19-42, as enacted by Laws of Utah 2004, Chapter
272 130)
273 **63A-17-502**, (Renumbered from 67-19-6.7, as last amended by Laws of Utah 2018,
274 Chapter 39)
275 **63A-17-503**, (Renumbered from 67-19-12.7, as last amended by Laws of Utah 2006,
276 Chapter 139)
277 **63A-17-504**, (Renumbered from 67-19-12.9, as last amended by Laws of Utah 2006,
278 Chapter 139)
279 **63A-17-505**, (Renumbered from 67-19-14, as last amended by Laws of Utah 2013,
280 Chapter 109)
281 **63A-17-506**, (Renumbered from 67-19-14.1, as last amended by Laws of Utah 2015,

282 Chapter 155)
283 **63A-17-507**, (Renumbered from 67-19-14.2, as last amended by Laws of Utah 2013,
284 Chapter 277)
285 **63A-17-508**, (Renumbered from 67-19-14.4, as last amended by Laws of Utah 2016,
286 Chapter 227)
287 **63A-17-509**, (Renumbered from 67-19-14.5, as last amended by Laws of Utah 2017,
288 Chapter 254)
289 **63A-17-510**, (Renumbered from 67-19-14.6, as last amended by Laws of Utah 2015,
290 Chapter 368)
291 **63A-17-511 (Effective 07/01/21)**, (Renumbered from 67-19-14.7 (Effective 07/01/21),
292 as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20)
293 **63A-17-512**, (Renumbered from 67-19-27, as last amended by Laws of Utah 2012,
294 Chapter 159)
295 **63A-17-601**, (Renumbered from 67-19-30, as last amended by Laws of Utah 2010,
296 Chapter 249)
297 **63A-17-602**, (Renumbered from 67-19-31, as last amended by Laws of Utah 2008,
298 Chapter 382)
299 **63A-17-603**, (Renumbered from 67-19-32, as last amended by Laws of Utah 1997,
300 Chapter 375)
301 **63A-17-701**, (Renumbered from 67-19e-102, as last amended by Laws of Utah 2016,
302 Chapter 237)
303 **63A-17-702**, (Renumbered from 67-19e-103, as last amended by Laws of Utah 2016,
304 Chapter 237)
305 **63A-17-703**, (Renumbered from 67-19e-104, as last amended by Laws of Utah 2016,
306 Chapter 237)
307 **63A-17-704**, (Renumbered from 67-19e-104.5, as enacted by Laws of Utah 2016,
308 Chapter 237)
309 **63A-17-705**, (Renumbered from 67-19e-105, as enacted by Laws of Utah 2013,

310 Chapter 165)
311 **63A-17-706**, (Renumbered from 67-19e-106, as last amended by Laws of Utah 2016,
312 Chapter 237)
313 **63A-17-707**, (Renumbered from 67-19e-107, as enacted by Laws of Utah 2013,
314 Chapter 165)
315 **63A-17-708**, (Renumbered from 67-19e-108, as last amended by Laws of Utah 2016,
316 Chapter 237)
317 **63A-17-709**, (Renumbered from 67-19e-109, as enacted by Laws of Utah 2013,
318 Chapter 165)
319 **63A-17-710**, (Renumbered from 67-19e-110, as last amended by Laws of Utah 2018,
320 Chapter 200)
321 **63A-17-801**, (Renumbered from 67-19-6.3, as last amended by Laws of Utah 2006,
322 Chapter 139)
323 **63A-17-802**, (Renumbered from 67-19-12.2, as last amended by Laws of Utah 2010,
324 Chapter 249)
325 **63A-17-803**, (Renumbered from 67-19-12.5, as last amended by Laws of Utah 2008,
326 Chapter 382)
327 **63A-17-804**, (Renumbered from 67-19-14.3, as last amended by Laws of Utah 2005,
328 Chapters 15 and 114)
329 **63A-17-805**, (Renumbered from 67-19-43, as last amended by Laws of Utah 2016,
330 Chapter 310)
331 **63A-17-806**, (Renumbered from 67-19-45, as enacted by Laws of Utah 2020, Chapter
332 197)
333 **63A-17-807**, (Renumbered from 67-19c-101, as last amended by Laws of Utah 2020,
334 Chapter 365)
335 **63A-17-901**, (Renumbered from 67-25-102, as last amended by Laws of Utah 2013,
336 Chapter 425)
337 **63A-17-902**, (Renumbered from 67-25-201, as last amended by Laws of Utah 2013,

338 Chapter 433)
339 **63A-17-903**, (Renumbered from 67-25-302, as enacted by Laws of Utah 2013, Chapter
340 425)
341 **63A-17-904**, (Renumbered from 67-19-19, as last amended by Laws of Utah 2006,
342 Chapter 139)
343 **63A-17-1001**, (Renumbered from 67-19-33, as last amended by Laws of Utah 2018,
344 Third Special Session, Chapter 1)
345 **63A-17-1002**, (Renumbered from 67-19-34, as last amended by Laws of Utah 2008,
346 Chapter 382)
347 **63A-17-1003**, (Renumbered from 67-19-35, as enacted by Laws of Utah 1990, Chapter
348 280)
349 **63A-17-1004**, (Renumbered from 67-19-36, as last amended by Laws of Utah 2006,
350 Chapter 139)
351 **63A-17-1005**, (Renumbered from 67-19-37, as last amended by Laws of Utah 2006,
352 Chapter 139)
353 **63A-17-1006**, (Renumbered from 67-19-38, as last amended by Laws of Utah 2006,
354 Chapter 139)
355 **63A-17-1007**, (Renumbered from 67-19-39, as last amended by Laws of Utah 2002,
356 Chapter 185)
357 REPEALS:
358 **63F-1-105**, as last amended by Laws of Utah 2020, Chapter 352
359 **63F-1-302**, as last amended by Laws of Utah 2016, Chapter 287
360 **63F-1-401**, as repealed and reenacted by Laws of Utah 2017, Chapter 238
361 **63F-1-501**, as repealed and reenacted by Laws of Utah 2017, Chapter 238
362 **63F-1-601**, as repealed and reenacted by Laws of Utah 2017, Chapter 238
363 **63F-2-101**, as enacted by Laws of Utah 2015, Chapter 371
364 **63F-3-101**, as last amended by Laws of Utah 2019, Chapter 174
365 **63F-4-101**, as enacted by Laws of Utah 2018, Chapter 144

366 **67-19-29**, as enacted by Laws of Utah 1979, Chapter 139
367 **67-19d-101**, as enacted by Laws of Utah 2007, Chapter 99
368 **67-19e-101**, as enacted by Laws of Utah 2013, Chapter 165
369 **67-19f-101**, as last amended by Laws of Utah 2015, Chapter 368
370 **67-25-101**, as enacted by Laws of Utah 2011, Chapter 442
371 **67-25-301**, as enacted by Laws of Utah 2013, Chapter 425
372 **67-26-101**, as enacted by Laws of Utah 2020, Chapter 155
373 **Utah Code Sections Affected by Coordination Clause:**
374 **63A-12-201**, Utah Code Annotated 1953
375 **63A-12-202**, Utah Code Annotated 1953
376 **63A-16-601**, Utah Code Annotated 1953
377 **63A-16-602**, Utah Code Annotated 1953
378 **63F-1-701**, as last amended by Laws of Utah 2020, Chapter 154
379 **63F-1-702**, as enacted by Laws of Utah 2007, Chapter 249
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381 *Be it enacted by the Legislature of the state of Utah:*
382 Section 1. Section **4-41a-107** is amended to read:
383 **4-41a-107. Notice to prospective and current public employees.**
384 (1) (a) A state employer or a political subdivision employer shall take the action
385 described in Subsection (1)(b) before:
386 (i) giving to a current employee an assignment or duty that arises from or directly
387 relates to an obligation under this chapter; or
388 (ii) hiring a prospective employee whose assignments or duties would include an
389 assignment or duty that arises from or directly relates to an obligation under this chapter.
390 (b) The employer described in Subsection (1)(a) shall give the employee or prospective
391 employee described in Subsection (1)(a) a written notice that notifies the employee or
392 prospective employee:
393 (i) that the employee's or prospective employee's job duties may require the employee

394 or prospective employee to engage in conduct which is in violation of the criminal laws of the
395 United States; and
396 (ii) that in accepting a job or undertaking a duty described in Subsection (1)(a),
397 although the employee or prospective employee is entitled to the protections of Title 67,
398 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
399 carry out an assignment or duty that may be a violation of the criminal laws of the United
400 States with respect to the manufacture, sale, or distribution of cannabis.
401 (2) The [~~Department~~] Division of Human Resource Management shall create, revise,
402 and publish the form of the notice described in Subsection (1).
403 (3) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
404 described in Subsection (1) may not:
405 (a) claim in good faith that the employee's actions violate or potentially violate the laws
406 of the United States with respect to the manufacture, sale, or distribution of cannabis; or
407 (b) refuse to carry out a directive that the employee reasonably believes violates the
408 criminal laws of the United States with respect to the manufacture, sale, or distribution of
409 cannabis.
410 (4) An employer of an employee who has signed the notice described in Subsection (1)
411 may not take retaliatory action as defined in Section 67-19a-101 against a current employee
412 who refuses to sign the notice described in Subsection (1).
413 Section 2. Section **10-2-703** is amended to read:
414 **10-2-703. Publication of notice of election.**
415 (1) Immediately after setting the date for the election, the court shall order for
416 publication notice of the:
417 (a) petition; and
418 (b) date the election is to be held to determine the question of dissolution.
419 (2) The notice described in Subsection (1) shall be published:
420 (a) (i) for at least once a week for a period of four weeks before the election in a
421 newspaper of general circulation in the municipality;

422 (ii) if there is no newspaper of general circulation in the municipality, at least four
423 weeks before the day of the election, by posting one notice, and at least one additional notice
424 per 2,000 population of the municipality, in places within the municipality that are most likely
425 to give notice to the voters in the municipality; or
426 (iii) at least one month before the day of the election, by mailing notice to each
427 registered voter in the municipality;
428 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for
429 four weeks before the day of the election;
430 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;
431 and
432 (d) if the municipality has a website, on the municipality's website for four weeks
433 before the day of the election.
434 Section 3. Section **11-36a-501** is amended to read:
435 **11-36a-501. Notice of intent to prepare an impact fee facilities plan.**
436 (1) Before preparing or amending an impact fee facilities plan, a local political
437 subdivision or private entity shall provide written notice of its intent to prepare or amend an
438 impact fee facilities plan.
439 (2) A notice required under Subsection (1) shall:
440 (a) indicate that the local political subdivision or private entity intends to prepare or
441 amend an impact fee facilities plan;
442 (b) describe or provide a map of the geographic area where the proposed impact fee
443 facilities will be located; and
444 (c) subject to Subsection (3), be posted on the Utah Public Notice Website created
445 under Section [~~63F-1-701~~] 63A-16-601.
446 (3) For a private entity required to post notice on the Utah Public Notice Website under
447 Subsection (2)(c):
448 (a) the private entity shall give notice to the general purpose local government in which
449 the private entity's private business office is located; and

450 (b) the general purpose local government described in Subsection (3)(a) shall post the
451 notice on the Utah Public Notice Website.
452 Section 4. Section **11-38-102** is amended to read:
453 **11-38-102. Definitions.**
454 As used in this chapter:
455 (1) "Affordable housing" means housing occupied or reserved for occupancy by
456 households with a gross household income equal to or less than 80% of the median gross
457 income of the applicable municipal or county statistical area for households of the same size.
458 (2) "Agricultural land" has the same meaning as "land in agricultural use" under
459 Section 59-2-502.
460 (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial
461 land where expansion or redevelopment is complicated by real or perceived environmental
462 contamination.
463 (4) "Commission" means the Quality Growth Commission established in Section
464 11-38-201.
465 (5) "Infill development" means residential, commercial, or industrial development on
466 unused or underused land, excluding open land and agricultural land, within existing, otherwise
467 developed urban areas.
468 (6) "Local entity" means a county, city, or town.
469 (7) (a) "Open land" means land that is:
470 (i) preserved in or restored to a predominantly natural, open, and undeveloped
471 condition; and
472 (ii) used for:
473 (A) wildlife habitat;
474 (B) cultural or recreational use;
475 (C) watershed protection; or
476 (D) another use consistent with the preservation of the land in or restoration of the land
477 to a predominantly natural, open, and undeveloped condition.

478 (b) (i) "Open land" does not include land whose predominant use is as a developed
479 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
480 sporting or similar activity.
481 (ii) The condition of land does not change from a natural, open, and undeveloped
482 condition because of the development or presence on the land of facilities, including trails,
483 waterways, and grassy areas, that:
484 (A) enhance the natural, scenic, or aesthetic qualities of the land; or
485 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,
486 scenic, or aesthetic qualities and for compatible recreational activities.
487 (8) "Program" means the LeRay McAllister Critical Land Conservation Program
488 established in Section 11-38-301.
489 (9) "Surplus land" means real property owned by the Department of [~~Administrative~~
490 ~~Services~~] Government Operations, the Department of Agriculture and Food, the Department of
491 Natural Resources, or the Department of Transportation that the individual department
492 determines not to be necessary for carrying out the mission of the department.
493 Section 5. Section **13-1a-3** is amended to read:
494 **13-1a-3. Employment and compensation of personnel -- Compensation of**
495 **director.**
496 The director, with the approval of the executive director, may employ personnel
497 necessary to carry out the duties and responsibilities of the division at salaries established by
498 the executive director according to standards established by the [~~Department~~] Division of
499 Human Resource Management. The executive director shall establish the salary of the director
500 according to standards established by the [~~Department~~] Division of Human Resource
501 Management.
502 Section 6. Section **13-2-3** is amended to read:
503 **13-2-3. Employment of personnel -- Compensation of director.**
504 (1) The director, with the approval of the executive director, may employ personnel
505 necessary to carry out the duties and responsibilities of the division at salaries established by

506 the executive director according to standards established by the [~~Department of Administrative~~
507 ~~Services~~] Division of Human Resource Management.
508 (2) The executive director shall establish the salary of the director according to
509 standards established by the [~~Department of Administrative Services~~] Division of Human
510 Resource Management.
511 (3) The director may employ specialists, technical experts, or investigators to
512 participate or assist in investigations if they reasonably require expertise beyond that normally
513 required for division personnel.
514 (4) An investigator employed pursuant to Subsection (3) may be designated a special
515 function officer, as defined in Section 53-13-105, by the director, but is not eligible for
516 retirement benefits under the Public Safety Employee's Retirement System.
517 Section 7. Section **15A-1-203** is amended to read:
518 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**
519 **Council.**
520 (1) There is created a Uniform Building Code Commission to advise the division with
521 respect to the division's responsibilities in administering the codes.
522 (2) The commission shall consist of 11 members as follows:
523 (a) one member shall be from among candidates nominated by the Utah League of
524 Cities and Towns and the Utah Association of Counties;
525 (b) one member shall be a licensed building inspector employed by a political
526 subdivision of the state;
527 (c) one member shall be a licensed professional engineer;
528 (d) one member shall be a licensed architect;
529 (e) one member shall be a fire official;
530 (f) three members shall be contractors licensed by the state, of which one shall be a
531 general contractor, one an electrical contractor, and one a plumbing contractor;
532 (g) two members shall be from the general public and have no affiliation with the
533 construction industry or real estate development industry; and

534 (h) one member shall be from the Division of Facilities Construction and Management
535 of the Department of [~~Administrative Services~~] Government Operations.
536 (3) (a) The executive director shall appoint each commission member after submitting
537 a nomination to the governor for confirmation or rejection.
538 (b) If the governor rejects a nominee, the executive director shall submit an alternative
539 nominee until the governor confirms the nomination. An appointment is effective after the
540 governor confirms the nomination.
541 (4) (a) Except as required by Subsection (4)(b), as terms of commission members
542 expire, the executive director shall appoint each new commission member or reappointed
543 commission member to a four-year term.
544 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
545 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
546 of commission members are staggered so that approximately half of the commission is
547 appointed every two years.
548 (5) When a vacancy occurs in the commission membership for any reason, the
549 executive director shall appoint a replacement for the unexpired term.
550 (6) (a) A commission member may not serve more than two full terms.
551 (b) A commission member who ceases to serve may not again serve on the commission
552 until after the expiration of two years after the day on which service ceased.
553 (7) A majority of the commission members constitute a quorum and may act on behalf
554 of the commission.
555 (8) A commission member may not receive compensation or benefits for the
556 commission member's service, but may receive per diem and travel expenses in accordance
557 with:
558 (a) Section 63A-3-106;
559 (b) Section 63A-3-107; and
560 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
561 63A-3-107.

562 (9) (a) The commission shall annually designate one of the commission's members to
563 serve as chair of the commission.
564 (b) The division shall provide a secretary to facilitate the function of the commission
565 and to record the commission's actions and recommendations.
566 (10) The commission shall:
567 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim
568 Committee;
569 (b) act as an appeals board as provided in Section 15A-1-207;
570 (c) establish advisory peer committees on either a standing or ad hoc basis to advise the
571 commission with respect to matters related to a code, including a committee to advise the
572 commission regarding health matters related to a plumbing code; and
573 (d) assist the division in overseeing code-related training in accordance with Section
574 15A-1-209.
575 (11) (a) In a manner consistent with Subsection (10)(c), the commission shall jointly
576 create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified
577 Code Analysis Council" to review fire prevention and construction code issues that require
578 definitive and specific analysis.
579 (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in
580 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:
581 (i) the appointment of members to the Unified Code Analysis Council; and
582 (ii) procedures followed by the Unified Code Analysis Council.
583 Section 8. Section **20A-20-201** is amended to read:
584 **20A-20-201. Utah Independent Redistricting Commission -- Creation --**
585 **Membership -- Term -- Quorum -- Action -- Meetings -- Staffing -- Website.**
586 (1) (a) There is created the Utah Independent Redistricting Commission.
587 (b) The commission is housed in the Department of [~~Administrative Services~~]
588 Government Operations for budgetary purposes only.
589 (c) The commission is not under the direction or control of the Department of

590 [~~Administrative Services~~] Government Operations or any executive director, director, or other
591 employee of the Department of [~~Administrative Services~~] Government Operations or any other
592 government entity.
593 (2) Except as provided in Subsection (4), the commission comprises seven members
594 appointed as follows:
595 (a) one member appointed by the governor, which member shall serve as chair of the
596 commission;
597 (b) one member appointed by the president of the Senate;
598 (c) one member appointed by the speaker of the House of Representatives;
599 (d) one member appointed by the legislative leader of the largest minority political
600 party in the Senate;
601 (e) one member appointed by the legislative leader of the largest minority political
602 party in the House of Representatives;
603 (f) one member appointed jointly by the president of the Senate and the speaker of the
604 House of Representatives; and
605 (g) one member appointed jointly by the legislative leader of the largest minority
606 political party in the Senate and the legislative leader of the largest minority political party in
607 the House of Representatives.
608 (3) An appointing authority described in Subsection (2):
609 (a) shall make the appointments no later than:
610 (i) February 1 of the year immediately following a decennial year; or
611 (ii) if there is a change in the number of congressional, legislative, or other districts
612 resulting from an event other than a national decennial enumeration made by the authority of
613 the United States, the day on which the Legislature appoints a committee to draw maps in
614 relation to the change;
615 (b) may remove a commission member appointed by the appointing authority, for
616 cause; and
617 (c) shall, if a vacancy occurs in the position appointed by the appointing authority

618 under Subsection (2), appoint another individual to fill the vacancy within 10 days after the day
619 on which the vacancy occurs.
620 (4) (a) If the appointing authority described in Subsection (2)(a) fails to timely make
621 the appointment, the legislative leader of the largest political party in the House of
622 Representatives and the Senate, of which the governor is not a member, shall jointly make the
623 appointment.
624 (b) If the appointing authority described in Subsection (2)(b) fails to timely make the
625 appointment, the appointing authority described in Subsection (2)(d) shall make the
626 appointment.
627 (c) If the appointing authority described in Subsection (2)(c) fails to timely make the
628 appointment, the appointing authority described in Subsection (2)(e) shall make the
629 appointment.
630 (d) If the appointing authority described in Subsection (2)(d) fails to timely make the
631 appointment, the appointing authority described in Subsection (2)(b) shall make the
632 appointment.
633 (e) If the appointing authority described in Subsection (2)(e) fails to timely make the
634 appointment, the appointing authority described in Subsection (2)(c) shall make the
635 appointment.
636 (f) If the appointing authority described in Subsection (2)(f) fails to timely make the
637 appointment, the appointing authority described in Subsection (2)(g) shall make the
638 appointment.
639 (g) If the appointing authority described in Subsection (2)(g) fails to timely make the
640 appointment, the appointing authority described in Subsection (2)(f) shall make the
641 appointment.
642 (5) A member of the commission may not, during the member's service on the
643 commission:
644 (a) be a lobbyist or principal, as those terms are defined in Section 36-11-102;
645 (b) be a candidate for or holder of any elective office, including federal elective office,

646 state elective office, or local government elective office;
647 (c) be a candidate for or holder of any office of a political party, except for delegates to
648 a political party's convention;
649 (d) be an employee of, or a paid consultant for, a political party, political party
650 committee, personal campaign committee, or any political action committee affiliated with a
651 political party or controlled by an elected official or candidate for elective office, including any
652 local government office;
653 (e) serve in public office if the member is appointed to public office by the governor or
654 the Legislature;
655 (f) be employed by the United States Congress or the Legislature; or
656 (g) hold any position that reports directly to an elected official, including a local
657 elected official, or to any person appointed by the governor or Legislature to any other public
658 office.
659 (6) In addition to the qualifications described in Subsection (5), a member of the
660 commission described in Subsection (2)(f) or (g):
661 (a) may not have, during the two-year period immediately preceding the member's
662 appointment to the commission:
663 (i) been affiliated with a political party under Section 20A-2-107;
664 (ii) voted in the regular primary election or municipal primary election of a political
665 party; or
666 (iii) been a delegate to a political party convention; and
667 (b) may not, in the sole determination of the appointing authority, be an individual who
668 is affiliated with a partisan organization or cause.
669 (7) Each commission member shall, upon appointment to the commission, sign and file
670 a statement with the governor certifying that the commission member:
671 (a) meets the qualifications for appointment to the commission;
672 (b) will, during the member's service on the commission, comply with the requirements
673 described in Subsection (5);

674 (c) will comply with the standards, procedures, and requirements described in this
675 chapter that are applicable to a commission member; and
676 (d) will faithfully discharge the duties of a commission member in an independent,
677 impartial, honest, and transparent manner.
678 (8) For a regular decennial redistricting, the commission is:
679 (a) formed and may begin conducting business on February 1 of the year immediately
680 following a decennial year; and
681 (b) dissolved upon approval of the Legislature's redistricting maps by the governor, or
682 the day following the constitutional time limit of Utah Constitution, Article VII, Section 8,
683 without the governor's signature, or in the case of a veto, the date of veto override.
684 (9) (a) A member of the commission may not receive compensation or benefits for the
685 member's service, but may receive per diem and travel expenses in accordance with:
686 (i) Section 63A-3-106;
687 (ii) Section 63A-3-107; and
688 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
689 63A-3-107.
690 (b) A member of the commission may decline to receive per diem or travel expenses.
691 (10) The commission shall meet upon the request of a majority of the commission
692 members or when the chair calls a meeting.
693 (11) (a) A majority of the members of the commission constitutes a quorum.
694 (b) The commission takes official action by a majority vote of a quorum present at a
695 meeting of the commission.
696 (12) Within appropriations from the Legislature, the commission may, to fulfill the
697 duties of the commission:
698 (a) contract with or employ an attorney licensed in Utah, an executive director, and
699 other staff; and
700 (b) purchase equipment and other resources, in accordance with Title 63G, Chapter 6a,
701 Utah Procurement Code, to fulfill the duties of the commission.

702 (13) The commission shall maintain a website where the public may:
703 (a) access announcements and records of commission meetings and hearings;
704 (b) access maps presented to, or under consideration by, the commission;
705 (c) access evaluations described in Subsection 20A-20-302(8);
706 (d) submit a map to the commission; and
707 (e) submit comments on a map presented to, or under consideration by, the
708 commission.
709 Section 9. Section **26-61a-103** is amended to read:
710 **26-61a-103. Electronic verification system.**
711 (1) The Department of Agriculture and Food, the department, the Department of Public
712 Safety, and the [~~Department~~] Division of Technology Services shall:
713 (a) enter into a memorandum of understanding in order to determine the function and
714 operation of the state electronic verification system in accordance with Subsection (2);
715 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
716 Procurement Code, to develop a request for proposals for a third-party provider to develop and
717 maintain the state electronic verification system in coordination with the [~~Department~~]
718 Division of Technology Services; and
719 (c) select a third-party provider who:
720 (i) meets the requirements contained in the request for proposals issued under
721 Subsection (1)(b); and
722 (ii) may not have any commercial or ownership interest in a cannabis production
723 establishment or a medical cannabis pharmacy.
724 (2) The Department of Agriculture and Food, the department, the Department of Public
725 Safety, and the [~~Department~~] Division of Technology Services shall ensure that, on or before
726 March 1, 2020, the state electronic verification system described in Subsection (1):
727 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
728 medical cannabis guardian card, provided that the card may not become active until the
729 relevant qualified medical provider completes the associated medical cannabis

730 recommendation;
731 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
732 cannabis guardian card in accordance with Section 26-61a-201;
733 (c) allows a qualified medical provider, or an employee described in Subsection (3)
734 acting on behalf of the qualified medical provider, to:
735 (i) access dispensing and card status information regarding a patient:
736 (A) with whom the qualified medical provider has a provider-patient relationship; and
737 (B) for whom the qualified medical provider has recommended or is considering
738 recommending a medical cannabis card;
739 (ii) electronically recommend, after an initial face-to-face visit with a patient described
740 in Subsection 26-61a-201(4)(b), treatment with cannabis in a medicinal dosage form or a
741 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;
742 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
743 medical cannabis guardian cardholder:
744 (A) using telehealth services, for the qualified medical provider who originally
745 recommended a medical cannabis treatment during a face-to-face visit with the patient; or
746 (B) during a face-to-face visit with the patient, for a qualified medical provider who
747 did not originally recommend the medical cannabis treatment during a face-to-face visit; and
748 (iv) notate a determination of physical difficulty or undue hardship, described in
749 Subsection 26-61a-202(1), to qualify a patient to designate a caregiver;
750 (d) connects with:
751 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
752 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
753 medicinal dosage form, or a medical cannabis device, including:
754 (A) the time and date of each purchase;
755 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
756 purchased;
757 (C) any cannabis production establishment, any medical cannabis pharmacy, or any

758 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
759 device; and
760 (D) the personally identifiable information of the medical cannabis cardholder who
761 made the purchase; and
762 (ii) any commercially available inventory control system that a cannabis production
763 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
764 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
765 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
766 track and confirm compliance;
767 (e) provides access to:
768 (i) the department to the extent necessary to carry out the department's functions and
769 responsibilities under this chapter;
770 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
771 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
772 41a, Cannabis Production Establishments; and
773 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
774 carry out the functions and responsibilities related to the participation of the following in the
775 recommendation and dispensing of medical cannabis:
776 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
777 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
778 Practice Act;
779 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
780 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
781 (D) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
782 Assistant Act;
783 (f) provides access to and interaction with the state central patient portal;
784 (g) provides access to state or local law enforcement:
785 (i) during a law enforcement encounter, without a warrant, using the individual's driver

786 license or state ID, only for the purpose of determining if the individual subject to the law
787 enforcement encounter has a valid medical cannabis card; or
788 (ii) after obtaining a warrant; and
789 (h) creates a record each time a person accesses the database that identifies the person
790 who accesses the database and the individual whose records the person accesses.
791 (3) (a) Beginning on the earlier of January 1, 2021, or the date on which the electronic
792 verification system is functionally capable of allowing employee access under this Subsection
793 (3), an employee of a qualified medical provider may access the electronic verification system
794 for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:
795 (i) the qualified medical provider has designated the employee as an individual
796 authorized to access the electronic verification system on behalf of the qualified medical
797 provider;
798 (ii) the qualified medical provider provides written notice to the department of the
799 employee's identity and the designation described in Subsection (3)(a)(i); and
800 (iii) the department grants to the employee access to the electronic verification system.
801 (b) An employee of a business that employs a qualified medical provider may access
802 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
803 qualified medical provider if:
804 (i) the qualified medical provider has designated the employee as an individual
805 authorized to access the electronic verification system on behalf of the qualified medical
806 provider;
807 (ii) the qualified medical provider and the employing business jointly provide written
808 notice to the department of the employee's identity and the designation described in Subsection
809 (3)(b)(i); and
810 (iii) the department grants to the employee access to the electronic verification system.
811 (4) (a) As used in this Subsection (4), "prescribing provider" means:
812 (i) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
813 Practice Act;

814 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
815 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
816 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
817 Assistant Act.
818 (b) Beginning on the earlier of January 1, 2021, or the date on which the electronic
819 verification system is functionally capable of allowing provider access under this Subsection
820 (4), a prescribing provider may access information in the electronic verification system
821 regarding a patient the prescribing provider treats.
822 (5) The department may release limited data that the system collects for the purpose of:
823 (a) conducting medical and other department approved research;
824 (b) providing the report required by Section 26-61a-703; and
825 (c) other official department purposes.
826 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
827 Administrative Rulemaking Act, to establish:
828 (a) the limitations on access to the data in the state electronic verification system as
829 described in this section; and
830 (b) standards and procedures to ensure accurate identification of an individual
831 requesting information or receiving information in this section.
832 (7) (a) Any person who knowingly and intentionally releases any information in the
833 state electronic verification system in violation of this section is guilty of a third degree felony.
834 (b) Any person who negligently or recklessly releases any information in the state
835 electronic verification system in violation of this section is guilty of a class C misdemeanor.
836 (8) (a) Any person who obtains or attempts to obtain information from the state
837 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.
838 (b) Any person who obtains or attempts to obtain information from the state electronic
839 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
840 degree felony.
841 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and

842 intentionally use, release, publish, or otherwise make available to any other person information
843 obtained from the state electronic verification system for any purpose other than a purpose
844 specified in this section.
845 (b) Each separate violation of this Subsection (9) is:
846 (i) a third degree felony; and
847 (ii) subject to a civil penalty not to exceed $5,000.
848 (c) The department shall determine a civil violation of this Subsection (9) in
849 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
850 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
851 General Fund.
852 (e) This Subsection (9) does not prohibit a person who obtains information from the
853 state electronic verification system under Subsection (2)(a), (c), or (f) from:
854 (i) including the information in the person's medical chart or file for access by a person
855 authorized to review the medical chart or file;
856 (ii) providing the information to a person in accordance with the requirements of the
857 Health Insurance Portability and Accountability Act of 1996; or
858 (iii) discussing or sharing that information about the patient with the patient.
859 Section 10. Section **26-61a-111** is amended to read:
860 **26-61a-111. Nondiscrimination for medical care or government employment --**
861 **Notice to prospective and current public employees -- No effect on private employers.**
862 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
863 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
864 product in a medicinal dosage form:
865 (a) is considered the equivalent of the authorized use of any other medication used at
866 the discretion of a physician; and
867 (b) does not constitute the use of an illicit substance or otherwise disqualify an
868 individual from needed medical care.
869 (2) (a) Notwithstanding any other provision of law and except as provided in

870 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
871 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or
872 political subdivision treats employee use of any prescribed controlled substance.
873 (b) A state or political subdivision employee who has a valid medical cannabis card is
874 not subject to adverse action, as that term is defined in Section 67-21-2, for failing a drug test
875 due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or
876 otherwise adversely affected in the employee's job performance due to the use of medical
877 cannabis.
878 (c) Subsections (2)(a) and (b) do not apply where the application of Subsection (2)(a) or
879 (b) would jeopardize federal funding, a federal security clearance, or any other federal
880 background determination required for the employee's position, or if the employee's position is
881 dependent on a license that is subject to federal regulations.
882 (3) (a) (i) A state employer or a political subdivision employer shall take the action
883 described in Subsection (3)(a)(ii) before:
884 (A) giving to a current employee an assignment or duty that arises from or directly
885 relates to an obligation under this chapter; or
886 (B) hiring a prospective employee whose assignments or duties would include an
887 assignment or duty that arises from or directly relates to an obligation under this chapter.
888 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or
889 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
890 employee or prospective employee:
891 (A) that the employee's or prospective employee's job duties may require the employee
892 or prospective employee to engage in conduct which is in violation of the criminal laws of the
893 United States; and
894 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
895 although the employee or prospective employee is entitled to the protections of Title 67,
896 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
897 carry out an assignment or duty that may be a violation of the criminal laws of the United

898 States with respect to the manufacture, sale, or distribution of cannabis.
899 (b) The [~~Department~~] Division of Human Resource Management shall create, revise,
900 and publish the form of the notice described in Subsection (3)(a).
901 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
902 described in Subsection (3)(a) may not:
903 (i) claim in good faith that the employee's actions violate or potentially violate the laws
904 of the United States with respect to the manufacture, sale, or distribution of cannabis; or
905 (ii) refuse to carry out a directive that the employee reasonably believes violates the
906 criminal laws of the United States with respect to the manufacture, sale, or distribution of
907 cannabis.
908 (d) An employer may not take retaliatory action as defined in Section 67-19a-101
909 against a current employee who refuses to sign the notice described in Subsection (3)(a).
910 (4) Nothing in this section requires a private employer to accommodate the use of
911 medical cannabis or affects the ability of a private employer to have policies restricting the use
912 of medical cannabis by applicants or employees.
913 Section 11. Section **31A-2-113** is amended to read:
914 **31A-2-113. Supporting services.**
915 (1) The Department of [~~Administrative Services~~] Government Operations shall provide
916 suitable offices for the Insurance Department:
917 (a) in Salt Lake City; and
918 (b) elsewhere, if approved by the governor as necessary for the efficient operation of
919 the department.
920 (2) The commissioner shall, in accordance with the rules of the Department of
921 [~~Administrative Services~~] Government Operations or other applicable laws, procure or obtain
922 access to all materials, supplies, and equipment necessary for the efficient operation of the
923 Insurance Department, including reasonable library facilities and books.
924 Section 12. Section **35A-1-205** is amended to read:
925 **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**

926 **-- Qualifications.**
927 (1) There is created the Workforce Appeals Board within the department consisting of
928 one or more panels to hear and decide appeals from the decision of an administrative law
929 judge.
930 (2) (a) A panel shall consist of three impartial members appointed by the governor as
931 follows:
932 (i) the board chair, appointed in accordance with Subsection (5);
933 (ii) one member appointed to represent employers; and in making this appointment, the
934 governor shall consider nominations from employer organizations; and
935 (iii) one member appointed to represent employees; and in making this appointment,
936 the governor shall consider nominations from employee organizations.
937 (b) No more than two members of a panel may belong to the same political party.
938 (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year
939 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).
940 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
941 of terms to ensure that the terms of members are staggered so that approximately one third of
942 the members are appointed every two years.
943 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
944 appointed for the unexpired term.
945 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance
946 or misfeasance in office, or other good and sufficient cause.
947 (d) A member shall hold office until a successor is appointed and has qualified.
948 (4) (a) Except as provided in Subsection (4)(b), a member may not receive
949 compensation or benefits for the member's service, but may receive per diem and travel
950 expenses in accordance with:
951 (i) Section 63A-3-106;
952 (ii) Section 63A-3-107; and
953 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

954 63A-3-107.
955 (b) The member appointed as board chair in accordance with Subsection (5) shall be
956 compensated at an hourly rate determined by the [~~Department~~] Division of Human Resource
957 Management in accordance with Title [~~67, Chapter 19~~] 63A, Chapter 17, Utah State Personnel
958 Management Act.
959 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
960 and administrative head of the board.
961 (b) The chair shall be appointed by the governor to represent the public and may be
962 removed from that position at the will of the governor.
963 (c) The chair shall be experienced in administration and possess any additional
964 qualifications determined by the governor.
965 (6) (a) The chair shall designate an alternate from a panel appointed under this section:
966 (i) in the absence of a regular member or the chair; or
967 (ii) if the regular member or the chair has a conflict of interest.
968 (b) Each case shall be decided by a full three-member panel.
969 (7) The department shall provide the Workforce Appeals Board necessary staff
970 support, except, the board may employ, retain, or appoint legal counsel.
971 Section 13. Section **35A-13-302** is amended to read:
972 **35A-13-302. Governor's Committee on Employment of People with Disabilities.**
973 (1) There is created the Governor's Committee on Employment of People with
974 Disabilities, composed of the following 19 members:
975 (a) the director of the office;
976 (b) the state superintendent of public instruction or the superintendent's designee;
977 (c) the commissioner of higher education or the commissioner's designee;
978 (d) the [~~executive~~] director of the [~~Department~~] Division of Human Resource
979 Management or the [~~executive~~] director's designee;
980 (e) the executive director of the Department of Human Services or the executive
981 director's designee;

982 (f) the executive director of the Department of Health or the executive director's
983 designee; and
984 (g) the following 13 members appointed by the governor:
985 (i) a representative of individuals who are blind or visually impaired;
986 (ii) a representative of individuals who are deaf or hard of hearing;
987 (iii) a representative of individuals who have disabilities;
988 (iv) seven representatives of business or industry;
989 (v) a representative experienced in job training and placement;
990 (vi) a representative of veterans; and
991 (vii) a representative experienced in medical, health, or insurance professions.
992 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the governor shall appoint the
993 committee members described in Subsection (1)(g) to serve four-year terms.
994 (ii) In making the initial appointments to the committee, the governor shall appoint
995 approximately one-half of the members to two-year terms and one-half of the members to
996 four-year terms.
997 (b) Committee members shall serve until their successors are appointed and qualified.
998 (c) The governor shall fill any vacancy that occurs on the committee for any reason by
999 appointing a person according to the procedures of this section for the unexpired term of the
1000 vacated member.
1001 (d) The director of the office shall select a chair of the committee from the
1002 membership.
1003 (e) Ten members of the committee are a quorum for the transaction of business.
1004 (3) (a) The committee shall:
1005 (i) promote employment opportunities for individuals with disabilities;
1006 (ii) serve as the designated state liaison to the President's Committee on Employment
1007 of People with Disabilities;
1008 (iii) provide training and technical assistance to employers in implementing the
1009 Americans with Disabilities Act;

1010 (iv) develop and disseminate appropriate information through workshops, meetings,
1011 and other requests in response to needs to employers and others regarding employment of
1012 individuals with disabilities;
1013 (v) establish contacts with various community representatives to identify and resolve
1014 barriers to full participation in employment and community life;
1015 (vi) formally recognize exemplary contributions in the areas of employment, job
1016 placement, training, rehabilitation, support services, medicine, media or public relations, and
1017 personal achievements made by individuals with disabilities;
1018 (vii) advise, encourage, and motivate individuals with disabilities who are preparing
1019 for or seeking employment to reach their full potential as qualified employees;
1020 (viii) advocate for policies and practices that promote full and equal rights for
1021 individuals with disabilities;
1022 (ix) advise the office, the department, and the governor on issues that affect
1023 employment and other requests for information on disability issues; and
1024 (x) prepare an annual report on the progress, accomplishments, and future goals of the
1025 committee and present the report to the department for inclusion in the department's annual
1026 report described in Section 35A-1-109.
1027 (b) The committee may, by following the procedures and requirements of Title 63J,
1028 Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive
1029 and accept state funds, private gifts, donations, and funds from any source to carry out its
1030 purposes.
1031 (4) The office shall staff the committee.
1032 Section 14. Section **36-11-307** is amended to read:
1033 **36-11-307. Ethics and unlawful harassment training course for lobbyists --**
1034 **Internet availability -- Content -- Participation tracking -- Penalty.**
1035 (1) The lieutenant governor shall develop and maintain online training courses
1036 educating lobbyists about:
1037 (a) federal workplace discrimination and harassment prohibitions and requirements;

1038 (b) the Utah Senate's, Utah House's, and the executive branch's policies governing
1039 workplace discrimination and harassment prohibitions, policies, and procedures; and
1040 (c) state and federal requirements governing lobbyists, including lobbyist ethical
1041 requirements.
1042 (2) A training course described in Subsection (1) shall include training materials and
1043 exercises that are available on the Internet to lobbyists and to the public.
1044 (3) The lieutenant governor shall design the ethics training course to assist lobbyists in
1045 understanding and complying with current ethical and campaign finance requirements under
1046 state law, legislative rules, and federal law.
1047 (4) The lieutenant governor may enter into an agreement with the [~~Department~~]
1048 Division of Human Resource Management to assist the lieutenant governor in providing the
1049 workplace discrimination and harassment training described in this section.
1050 (5) A training course described in this section shall include provisions for verifying
1051 when a lobbyist has successfully completed the training.
1052 (6) (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a
1053 lobbying license or a lobbying license renewal:
1054 (i) successfully complete the training courses described in this section; and
1055 (ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying
1056 that the lobbyist has:
1057 (A) completed the training courses required by this section; and
1058 (B) received, read, understands, and will comply with the workplace discrimination
1059 and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive
1060 branch.
1061 (b) The lieutenant governor may not issue a lobbying license, or renew a lobbying
1062 license, until the lieutenant governor has received from the lobbyist the document required by
1063 Subsection (6)(a).
1064 (7) A signature described in Subsection (6)(b) may be an electronic signature.
1065 Section 15. Section **46-1-3** is amended to read:

1066 **46-1-3. Qualifications -- Application for notarial commission required -- Term.**
1067 (1) Except as provided in Subsection (4), and subject to Section 46-1-3.5, the
1068 lieutenant governor shall commission as a notary any qualified person who submits an
1069 application in accordance with this chapter.
1070 (2) To qualify for a notarial commission an individual shall:
1071 (a) be at least 18 years old;
1072 (b) lawfully reside in the state for at least 30 days immediately before the individual
1073 applies for a notarial commission;
1074 (c) be able to read, write, and understand English;
1075 (d) submit an application to the lieutenant governor containing no significant
1076 misstatement or omission of fact, that includes:
1077 (i) the individual's:
1078 (A) name as it will appear on the commission;
1079 (B) residential address;
1080 (C) business address;
1081 (D) daytime telephone number; and
1082 (E) date of birth;
1083 (ii) an affirmation that the individual meets the requirements of this section;
1084 (iii) an indication of any criminal convictions the individual has received, including a
1085 plea of admission or no contest;
1086 (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a
1087 notarial commission or other professional license involving the applicant in this or any other
1088 state;
1089 (v) an indication that the individual has passed the examination described in
1090 Subsection (6); and
1091 (vi) payment of an application fee that the lieutenant governor establishes in
1092 accordance with Section 63J-1-504;
1093 (e) (i) be a United States citizen; or

1094 (ii) have permanent resident status under Section 245 of the Immigration and
1095 Nationality Act; and
1096 (f) submit to a background check described in Subsection (3).
1097 (3) (a) The lieutenant governor shall:
1098 (i) request the [~~Department~~] Division of Human Resource Management to perform a
1099 criminal background check under Subsection 53-10-108(16) on each individual who submits
1100 an application under this section;
1101 (ii) require an individual who submits an application under this section to provide a
1102 signed waiver on a form provided by the lieutenant governor that complies with Subsection
1103 53-10-108(4); and
1104 (iii) provide the [~~Department~~] Division of Human Resource Management the personal
1105 identifying information of each individual who submits an application under this section.
1106 (b) The [~~Department~~] Division of Human Resource Management shall:
1107 (i) perform a criminal background check under Subsection 53-10-108(16) on each
1108 individual described in Subsection (3)(a)(i); and
1109 (ii) provide to the lieutenant governor all information that pertains to the individual
1110 described in Subsection (3)(a)(i) that the department identifies or receives as a result of the
1111 background check.
1112 (4) The lieutenant governor may deny an application based on:
1113 (a) the applicant's conviction for a crime involving dishonesty or moral turpitude;
1114 (b) any revocation, suspension, or restriction of a notarial commission or professional
1115 license issued to the applicant by this or any other state;
1116 (c) the applicant's official misconduct while acting in the capacity of a notary; or
1117 (d) the applicant's failure to pass the examination described in Subsection (6).
1118 (5) (a) An individual whom the lieutenant governor commissions as a notary:
1119 (i) may perform notarial acts in any part of the state for a term of four years, unless the
1120 person resigns or the commission is revoked or suspended under Section 46-1-19; and
1121 (ii) except through a remote notarization performed in accordance with this chapter,

1122 may not perform a notarial act for another individual who is outside of the state.
1123 (b) (i) After an individual's commission expires, the individual may not perform a
1124 notarial act until the individual obtains a new commission.
1125 (ii) An individual whose commission expires and who wishes to obtain a new
1126 commission shall submit a new application, showing compliance with the requirements of this
1127 section.
1128 (6) (a) Each applicant for a notarial commission shall take an examination that the
1129 lieutenant governor approves and submit the examination to a testing center that the lieutenant
1130 governor designates for purposes of scoring the examination.
1131 (b) The testing center that the lieutenant governor designates shall issue a written
1132 acknowledgment to the applicant indicating whether the applicant passed or failed the
1133 examination.
1134 (7) (a) A notary shall maintain permanent residency in the state during the term of the
1135 notary's notarial commission.
1136 (b) A notary who does not maintain permanent residency under Subsection (7)(a) shall
1137 resign the notary's notarial commission in accordance with Section 46-1-21.
1138 Section 16. Section **46-4-503** is amended to read:
1139 **46-4-503. Government products and services provided electronically.**
1140 (1) Notwithstanding Section 46-4-501, a state governmental agency that administers
1141 one or more of the following transactions shall allow those transactions to be conducted
1142 electronically:
1143 (a) an application for or renewal of a professional or occupational license issued under
1144 Title 58, Occupations and Professions;
1145 (b) the renewal of a drivers license;
1146 (c) an application for a hunting or fishing license;
1147 (d) the filing of:
1148 (i) a return under Title 59, Chapter 10, Individual Income Tax Act, or Title 59, Chapter
1149 12, Sales and Use Tax Act;

1150 (ii) a court document, as defined by the Judicial Council; or
1151 (iii) a document under Title 70A, Uniform Commercial Code;
1152 (e) a registration for:
1153 (i) a product; or
1154 (ii) a brand;
1155 (f) a renewal of a registration of a motor vehicle;
1156 (g) a registration under:
1157 (i) Title 16, Corporations;
1158 (ii) Title 42, Names; or
1159 (iii) Title 48, Unincorporated Business Entity Act; or
1160 (h) submission of an application for benefits:
1161 (i) under Title 35A, Chapter 3, Employment Support Act;
1162 (ii) under Title 35A, Chapter 4, Employment Security Act; or
1163 (iii) related to accident and health insurance.
1164 (2) The state system of public education, in coordination with the Utah Education and
1165 Telehealth Network, shall make reasonable progress toward making the following services
1166 available electronically:
1167 (a) secure access by parents and students to student grades and progress reports;
1168 (b) email communications with:
1169 (i) teachers;
1170 (ii) parent-teacher associations; and
1171 (iii) school administrators;
1172 (c) access to school calendars and schedules; and
1173 (d) teaching resources that may include:
1174 (i) teaching plans;
1175 (ii) curriculum guides; and
1176 (iii) media resources.
1177 (3) A state governmental agency shall:

1178 (a) in carrying out the requirements of this section, take reasonable steps to ensure the
1179 security and privacy of records that are private or controlled as defined by Title 63G, Chapter 2,
1180 Government Records Access and Management Act;
1181 (b) in addition to those transactions listed in Subsections (1) and (2), determine any
1182 additional services that may be made available to the public through electronic means; and
1183 (c) as part of the agency's information technology plan required by Section [~~63F-1-204~~]
1184 63A-16-203, report on the progress of compliance with Subsections (1) through (3).
1185 (4) Notwithstanding the other provisions of this part, a state governmental agency is
1186 not required by this part to conduct a transaction electronically if:
1187 (a) conducting the transaction electronically is not required by federal law; and
1188 (b) conducting the transaction electronically is:
1189 (i) impractical;
1190 (ii) unreasonable; or
1191 (iii) not permitted by laws pertaining to privacy or security.
1192 (5) (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of
1193 access to diverse services and agencies at one location including virtual colocation.
1194 (b) State agencies that provide services or offer direct assistance to the business
1195 community shall participate in the establishment, maintenance, and enhancement of an
1196 integrated Utah business web portal known as Business.utah.gov. The purpose of the business
1197 web portal is to provide "one-stop shop" assistance to businesses.
1198 (c) State agencies shall partner with other governmental and nonprofit agencies whose
1199 primary mission is to provide services or offer direct assistance to the business community in
1200 Utah in fulfilling the requirements of this section.
1201 (d) The following state entities shall comply with the provisions of this Subsection (5):
1202 (i) Governor's Office of Economic Development, which shall serve as the managing
1203 partner for the website;
1204 (ii) Department of Workforce Services;
1205 (iii) Department of Commerce;

1206 (iv) Tax Commission;

1207 (v) Department of [~~Administrative Services~~] Government Operations - Division of
1208 Purchasing and General Services, including other state agencies operating under a grant of
1209 authority from the division to procure goods and services in excess of $5,000;

1210 (vi) Department of Agriculture;

1211 (vii) Department of Natural Resources; and

1212 (viii) other state agencies that provide services or offer direct assistance to the business
1213 sector.

1214 (e) The business services available on the business web portal may include:

1215 (i) business life cycle information;

1216 (ii) business searches;

1217 (iii) employment needs and opportunities;

1218 (iv) motor vehicle registration;

1219 (v) permit applications and renewal;

1220 (vi) tax information;

1221 (vii) government procurement bid notifications;

1222 (viii) general business information;

1223 (ix) business directories; and

1224 (x) business news.

1225 Section 17. Section **46-5-102** is amended to read:

1226 **46-5-102. Definitions.**

1227 In this chapter:

1228 (1) "Electronic" means relating to technology having electrical, digital, magnetic,
1229 wireless, optical, electromagnetic, or similar capabilities.

1230 (2) "Legal material" means, whether or not in effect:

1231 (a) the Utah Constitution;

1232 (b) the Laws of Utah;

1233 (c) the Utah Code;

1234 (d) the Utah Administrative Code; or
1235 (e) the Utah State Bulletin.
1236 (3) "Official publisher" means:
1237 (a) for the Utah Constitution, the Office of Legislative Research and General Counsel;
1238 (b) for the Laws of Utah, the Office of Legislative Research and General Counsel;
1239 (c) for the Utah Code, the Office of Legislative Research and General Counsel;
1240 (d) for the Utah Administrative Code, the Office of Administrative Rules created in
1241 Section 63G-3-401 within the Department of [~~Administrative Services~~] Government
1242 Operations; or
1243 (e) for the Utah State Bulletin, the Office of Administrative Rules.
1244 (4) "Publish" means to display, present, or release to the public, or cause to be
1245 displayed, presented, or released to the public, by the official publisher.
1246 (5) "Record" means information that is inscribed on a tangible medium or that is stored
1247 in an electronic or other medium and is retrievable in perceivable form.
1248 (6) "State" means a state of the United States, the District of Columbia, Puerto Rico,
1249 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
1250 of the United States.
1251 Section 18. Section **49-11-406** is amended to read:
1252 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
1253 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**
1254 (1) As used in this section:
1255 (a) "Defined benefit balance" means the total amount of the contributions made on
1256 behalf of a member to a defined benefit system plus refund interest.
1257 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
1258 executive director, or director and includes a deputy director and other similar, at-will
1259 employee positions designated by the governor, the speaker of the House, or the president of
1260 the Senate and filed with the [~~Department~~] Division of Human Resource Management and the
1261 Utah State Retirement Office.

1262 (2) In accordance with this section and subject to requirements under federal law and
1263 rules made by the board, a member who has service credit from a system may elect to be
1264 exempt from coverage under a defined benefit system and to have the member's defined benefit
1265 balance transferred from the defined benefit system or plan to a defined contribution plan in the
1266 member's own name if the member is:
1267 (a) the state auditor;
1268 (b) the state treasurer;
1269 (c) an appointed executive under Subsection 67-22-2(1)(a);
1270 (d) an employee in the Governor's Office;
1271 (e) senior staff in the Governor's Office of Management and Budget;
1272 (f) senior staff in the Governor's Office of Economic Development;
1273 (g) senior staff in the Commission on Criminal and Juvenile Justice;
1274 (h) a legislative employee appointed under Subsection 36-12-7(3)(a);
1275 (i) a legislative employee appointed by the speaker of the House of Representatives, the
1276 House of Representatives minority leader, the president of the Senate, or the Senate minority
1277 leader; or
1278 (j) senior staff of the Utah Science Technology and Research Initiative created under
1279 Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.
1280 (3) An election made under Subsection (2):
1281 (a) is final, and no right exists to make any further election;
1282 (b) is considered a request to be exempt from coverage under a defined benefits
1283 system; and
1284 (c) shall be made on forms provided by the office.
1285 (4) The board shall adopt rules to implement and administer this section.
1286 Section 19. Section **49-14-201** is amended to read:
1287 **49-14-201. System membership -- Eligibility.**
1288 (1) Except as provided in Section 49-15-201, a public safety service employee of a
1289 participating employer participating in this system is eligible for service credit in this system at

1290 the earliest of:
1291 (a) July 1, 1969, if the public safety service employee was employed by the
1292 participating employer on July 1, 1969, and the participating employer was participating in this
1293 system on that date;
1294 (b) the date the participating employer begins participating in this system if the public
1295 safety service employee was employed by the participating employer on that date; or
1296 (c) the date the public safety service employee is employed by the participating
1297 employer and is eligible to perform public safety service, except that a public safety service
1298 employee initially entering employment with a participating employer on or after July 1, 2011,
1299 who does not have service credit accrued before July 1, 2011, in a Tier I system or plan
1300 administered by the board, may not participate in this system.
1301 (2) (a) (i) A participating employer that has public safety service and firefighter service
1302 employees that require cross-training and duty shall enroll those dual purpose employees in the
1303 system in which the greatest amount of time is actually worked.
1304 (ii) The employees shall either be full-time public safety service or full-time firefighter
1305 service employees of the participating employer.
1306 (b) (i) Prior to transferring a dual purpose employee from one system to another, the
1307 participating employer shall receive written permission from the office.
1308 (ii) The office may request documentation to verify the appropriateness of the transfer.
1309 (3) The board may combine or segregate the actuarial experience of participating
1310 employers in this system for the purpose of setting contribution rates.
1311 (4) (a) (i) Each participating employer participating in this system shall annually
1312 submit to the office a schedule indicating the positions to be covered under this system in
1313 accordance with this chapter.
1314 (ii) The office may require documentation to justify the inclusion of any position under
1315 this system.
1316 (b) If there is a dispute between the office and a participating employer or employee
1317 over any position to be covered, the disputed position shall be submitted to the Peace Officer

1318 Standards and Training Council established under Section 53-6-106 for determination.
1319 (c) (i) The Peace Officer Standards and Training Council's authority to decide
1320 eligibility for public safety service credit is limited to claims for coverage under this system for
1321 time periods after July 1, 1989.
1322 (ii) A decision of the Peace Officer Standards and Training Council may not be applied
1323 to service credit earned in another system prior to July 1, 1989.
1324 (iii) Except as provided under Subsection (4)(c)(iv), a decision of the Peace Officer
1325 Standards and Training Council granting a position coverage under this system may only be
1326 applied prospectively from the date of that decision.
1327 (iv) A decision of the Peace Officer Standards and Training Council granting a position
1328 coverage under this system may be applied retroactively only if:
1329 (A) the participating employer covered other similarly situated positions under this
1330 system during the time period in question; and
1331 (B) the position otherwise meets all eligibility requirements for receiving service credit
1332 in this system during the period for which service credit is to be granted.
1333 (5) The Peace Officer Standards and Training Council may use a subcommittee to
1334 provide a recommendation to the council in determining disputes between the office and a
1335 participating employer or employee over a position to be covered under this system.
1336 (6) The Peace Officer Standards and Training Council shall comply with Title 63G,
1337 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.
1338 (7) A public safety employee who is transferred or promoted to an administration
1339 position requiring the performance of duties that consist primarily of management or
1340 supervision of public safety service employees shall continue to earn public safety service
1341 credit in this system as long as the employee remains employed in the same department.
1342 (8) An employee of the Department of Corrections shall continue to earn public safety
1343 service credit in this system if:
1344 (a) the employee's position is no longer covered under this system for new employees
1345 hired on or after July 1, 2015; and

1346 (b) the employee:
1347 (i) remains employed by the Department of Corrections;
1348 (ii) meets the eligibility requirements of this system;
1349 (iii) was hired into a position covered by this system prior to July 1, 2015; and
1350 (iv) has not had a break in service on or after July 1, 2015.
1351 (9) An employee who is reassigned to the [~~Department~~] Division of Technology
1352 Services or to the [~~Department~~] Division of Human Resource Management, and who was a
1353 member of this system, is entitled to remain a member of this system.
1354 (10) (a) To determine that a position is covered under this system, the office and, if a
1355 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the
1356 position requires the employee to:
1357 (i) except for a dispatcher, place the employee's life or personal safety at risk; and
1358 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or
1359 53-13-105.
1360 (b) If a position satisfies the requirements of Subsection (10)(a), the office and the
1361 Peace Officer Standards and Training Council shall consider whether or not the position
1362 requires the employee to:
1363 (i) perform duties that consist primarily of actively preventing or detecting crime and
1364 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;
1365 (ii) perform duties that consist primarily of providing community protection; and
1366 (iii) respond to situations involving threats to public safety and make emergency
1367 decisions affecting the lives and health of others.
1368 (11) If a subcommittee is used to recommend the determination of disputes to the
1369 Peace Officer Standards and Training Council, the subcommittee shall comply with the
1370 requirements of Subsection (10) in making its recommendation.
1371 (12) A final order of the Peace Officer Standards and Training Council regarding a
1372 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative
1373 Procedures Act.

1374 (13) Except as provided under Subsection (14), if a participating employer's public
1375 safety service employees are not covered by this system or under Chapter 15, Public Safety
1376 Noncontributory Retirement Act, as of January 1, 1998, those public safety service employees
1377 who may otherwise qualify for membership in this system shall, at the discretion of the
1378 participating employer, remain in their current retirement system.
1379 (14) (a) A public safety service employee employed by an airport police department,
1380 which elects to cover its public safety service employees under the Public Safety
1381 Noncontributory Retirement System under Subsection (13), may elect to remain in the public
1382 safety service employee's current retirement system.
1383 (b) The public safety service employee's election to remain in the current retirement
1384 system under Subsection (14)(a):
1385 (i) shall be made at the time the employer elects to move its public safety service
1386 employees to a public safety retirement system;
1387 (ii) documented by written notice to the participating employer; and
1388 (iii) is irrevocable.
1389 (15) (a) Subject to Subsection (16), beginning July 1, 2015, a public safety service
1390 employee who is a dispatcher employed by:
1391 (i) the state shall be eligible for service credit in this system; and
1392 (ii) a participating employer other than the state shall be eligible for service credit in
1393 this system if the dispatcher's participating employer elects to cover its dispatchers under this
1394 system.
1395 (b) A participating employer's election to cover its dispatchers under this system under
1396 Subsection (15)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the
1397 governing body of the participating employer in accordance with rules made by the office.
1398 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution
1399 of a participating employer under Subsection (15)(b), is not eligible for service credit in this
1400 system.
1401 (16) Notwithstanding any other provision of this section, a person initially entering

1402 employment with a participating employer on or after July 1, 2011, who does not have service
1403 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may
1404 not participate in this system.
1405 Section 20. Section **49-15-201** is amended to read:
1406 **49-15-201. System membership -- Eligibility.**
1407 (1) (a) A public safety service employee employed by the state after July 1, 1989, but
1408 before July 1, 2011, is eligible for service credit in this system.
1409 (b) A public safety service employee employed by the state prior to July 1, 1989, may
1410 either elect to receive service credit in this system or continue to receive service credit under
1411 the system established under Chapter 14, Public Safety Contributory Retirement Act, by
1412 following the procedures established by the board under this chapter.
1413 (2) (a) Public safety service employees of a participating employer other than the state
1414 that elected on or before July 1, 1989, to remain in the Public Safety Contributory Retirement
1415 System shall be eligible only for service credit in that system.
1416 (b) (i) A participating employer other than the state that elected on or before July 1,
1417 1989, to participate in this system shall, have allowed, prior to July 1, 1989, a public safety
1418 service employee to elect to participate in either this system or the Public Safety Contributory
1419 Retirement System.
1420 (ii) Except as expressly allowed by this title, the election of the public safety service
1421 employee is final and may not be changed.
1422 (c) A public safety service employee hired by a participating employer other than the
1423 state after July 1, 1989, but before July 1, 2011, shall become a member in this system.
1424 (d) A public safety service employee of a participating employer other than the state
1425 who began participation in this system after July 1, 1989, but before July 1, 2011, is only
1426 eligible for service credit in this system.
1427 (e) A person initially entering employment with a participating employer on or after
1428 July 1, 2011, who does not have service credit accrued before July 1, 2011, in a Tier I system
1429 or plan administered by the board, may not participate in this system.

1430 (3) (a) (i) A participating employer that has public safety service and firefighter service
1431 employees that require cross-training and duty shall enroll those dual purpose employees in the
1432 system in which the greatest amount of time is actually worked.
1433 (ii) The employees shall either be full-time public safety service or full-time firefighter
1434 service employees of the participating employer.
1435 (b) (i) Prior to transferring a dual purpose employee from one system to another, the
1436 participating employer shall receive written permission from the office.
1437 (ii) The office may request documentation to verify the appropriateness of the transfer.
1438 (4) The board may combine or segregate the actuarial experience of participating
1439 employers in this system for the purpose of setting contribution rates.
1440 (5) (a) (i) Each participating employer participating in this system shall annually
1441 submit to the office a schedule indicating the positions to be covered under this system in
1442 accordance with this chapter.
1443 (ii) The office may require documentation to justify the inclusion of any position under
1444 this system.
1445 (b) If there is a dispute between the office and a participating employer or employee
1446 over any position to be covered, the disputed position shall be submitted to the Peace Officer
1447 Standards and Training Council established under Section 53-6-106 for determination.
1448 (c) (i) The Peace Officer Standards and Training Council's authority to decide
1449 eligibility for public safety service credit is limited to claims for coverage under this system for
1450 time periods after July 1, 1989.
1451 (ii) A decision of the Peace Officer Standards and Training Council may not be applied
1452 to service credit earned in another system prior to July 1, 1989.
1453 (iii) Except as provided under Subsection (5)(c)(iv), a decision of the Peace Officer
1454 Standards and Training Council granting a position coverage under this system may only be
1455 applied prospectively from the date of that decision.
1456 (iv) A decision of the Peace Officer Standards and Training Council granting a position
1457 coverage under this system may be applied retroactively only if:

1458 (A) the participating employer covered other similarly situated positions under this
1459 system during the time period in question; and
1460 (B) the position otherwise meets all eligibility requirements for receiving service credit
1461 in this system during the period for which service credit is to be granted.
1462 (6) The Peace Officer Standards and Training Council may use a subcommittee to
1463 provide a recommendation to the council in determining disputes between the office and a
1464 participating employer or employee over a position to be covered under this system.
1465 (7) The Peace Officer Standards and Training Council shall comply with Title 63G,
1466 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.
1467 (8) A public safety service employee who is transferred or promoted to an
1468 administration position requiring the performance of duties that consist primarily of
1469 management or supervision of public safety service employees shall continue to earn public
1470 safety service credit in this system as long as the employee remains employed in the same
1471 department.
1472 (9) An employee of the Department of Corrections shall continue to earn public safety
1473 service credit in this system if:
1474 (a) the employee's position is no longer covered under this system for new employees
1475 hired on or after July 1, 2015; and
1476 (b) the employee:
1477 (i) remains employed by the Department of Corrections;
1478 (ii) meets the eligibility requirements of this system;
1479 (iii) was hired into a position covered by this system prior to July 1, 2015; and
1480 (iv) has not had a break in service on or after July 1, 2015.
1481 (10) Any employee who is reassigned to the [~~Department~~] Division of Technology
1482 Services or to the [~~Department~~] Division of Human Resource Management, and who was a
1483 member in this system, shall be entitled to remain a member in this system.
1484 (11) (a) To determine that a position is covered under this system, the office and, if a
1485 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the

1486 position requires the employee to:
1487 (i) except for a dispatcher, place the employee's life or personal safety at risk; and
1488 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or
1489 53-13-105.
1490 (b) If a position satisfies the requirements of Subsection (11)(a), the office and Peace
1491 Officer Standards and Training Council shall consider whether the position requires the
1492 employee to:
1493 (i) perform duties that consist primarily of actively preventing or detecting crime and
1494 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;
1495 (ii) perform duties that consist primarily of providing community protection; and
1496 (iii) respond to situations involving threats to public safety and make emergency
1497 decisions affecting the lives and health of others.
1498 (12) If a subcommittee is used to recommend the determination of disputes to the
1499 Peace Officer Standards and Training Council, the subcommittee shall comply with the
1500 requirements of Subsection (11) in making its recommendation.
1501 (13) A final order of the Peace Officer Standards and Training Council regarding a
1502 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative
1503 Procedures Act.
1504 (14) Except as provided under Subsection (15), if a participating employer's public
1505 safety service employees are not covered by this system or under Chapter 14, Public Safety
1506 Contributory Retirement Act, as of January 1, 1998, those public safety service employees who
1507 may otherwise qualify for membership in this system shall, at the discretion of the participating
1508 employer, remain in their current retirement system.
1509 (15) (a) A public safety service employee employed by an airport police department,
1510 which elects to cover its public safety service employees under the Public Safety
1511 Noncontributory Retirement System under Subsection (14), may elect to remain in the public
1512 safety service employee's current retirement system.
1513 (b) The public safety service employee's election to remain in the current retirement

1514 system under Subsection (15)(a):
1515 (i) shall be made at the time the employer elects to move its public safety service
1516 employees to a public safety retirement system;
1517 (ii) shall be documented by written notice to the participating employer; and
1518 (iii) is irrevocable.
1519 (16) (a) Subject to Subsection (17), beginning July 1, 2015, a public safety service
1520 employee who is a dispatcher employed by:
1521 (i) the state shall be eligible for service credit in this system; and
1522 (ii) a participating employer other than the state shall be eligible for service credit in
1523 this system if the dispatcher's participating employer elects to cover its dispatchers under this
1524 system.
1525 (b) A participating employer's election to cover its dispatchers under this system under
1526 Subsection (16)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the
1527 governing body of the participating employer in accordance with rules made by the office.
1528 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution
1529 of a participating employer under Subsection (16)(b), is not eligible for service credit in this
1530 system.
1531 (17) Notwithstanding any other provision of this section, a person initially entering
1532 employment with a participating employer on or after July 1, 2011, who does not have service
1533 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may
1534 not participate in this system.
1535 Section 21. Section **49-20-401** is amended to read:
1536 **49-20-401. Program -- Powers and duties.**
1537 (1) The program shall:
1538 (a) act as a self-insurer of employee benefit plans and administer those plans;
1539 (b) enter into contracts with private insurers or carriers to underwrite employee benefit
1540 plans as considered appropriate by the program;
1541 (c) indemnify employee benefit plans or purchase commercial reinsurance as

1542 considered appropriate by the program;
1543 (d) provide descriptions of all employee benefit plans under this chapter in cooperation
1544 with covered employers;
1545 (e) process claims for all employee benefit plans under this chapter or enter into
1546 contracts, after competitive bids are taken, with other benefit administrators to provide for the
1547 administration of the claims process;
1548 (f) obtain an annual actuarial review of all health and dental benefit plans and a
1549 periodic review of all other employee benefit plans;
1550 (g) consult with the covered employers to evaluate employee benefit plans and develop
1551 recommendations for benefit changes;
1552 (h) annually submit a budget and audited financial statements to the governor and
1553 Legislature which includes total projected benefit costs and administrative costs;
1554 (i) maintain reserves sufficient to liquidate the unrevealed claims liability and other
1555 liabilities of the employee benefit plans as certified by the program's consulting actuary;
1556 (j) submit, in advance, its recommended benefit adjustments for state employees to:
1557 (i) the Legislature; and
1558 (ii) the [~~executive~~] director of the state [~~Department~~] Division of Human Resource
1559 Management;
1560 (k) determine benefits and rates, upon approval of the board, for multi-employer risk
1561 pools, retiree coverage, and conversion coverage;
1562 (l) determine benefits and rates based on the total estimated costs and the employee
1563 premium share established by the Legislature, upon approval of the board, for state employees;
1564 (m) administer benefits and rates, upon ratification of the board, for single-employer
1565 risk pools;
1566 (n) request proposals for provider networks or health and dental benefit plans
1567 administered by third-party carriers at least once every three years for the purposes of:
1568 (i) stimulating competition for the benefit of covered individuals;
1569 (ii) establishing better geographical distribution of medical care services; and

1570 (iii) providing coverage for both active and retired covered individuals;
1571 (o) offer proposals which meet the criteria specified in a request for proposals and
1572 accepted by the program to active and retired state covered individuals and which may be
1573 offered to active and retired covered individuals of other covered employers at the option of the
1574 covered employer;
1575 (p) perform the same functions established in Subsections (1)(a), (b), (e), and (h) for
1576 the Department of Health if the program provides program benefits to children enrolled in the
1577 Utah Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's
1578 Health Insurance Act;
1579 (q) establish rules and procedures governing the admission of political subdivisions or
1580 educational institutions and their employees to the program;
1581 (r) contract directly with medical providers to provide services for covered individuals;
1582 (s) take additional actions necessary or appropriate to carry out the purposes of this
1583 chapter;
1584 (t) (i) require state employees and their dependents to participate in the electronic
1585 exchange of clinical health records in accordance with Section 26-1-37 unless the enrollee opts
1586 out of participation; and
1587 (ii) prior to enrolling the state employee, each time the state employee logs onto the
1588 program's website, and each time the enrollee receives written enrollment information from the
1589 program, provide notice to the enrollee of the enrollee's participation in the electronic exchange
1590 of clinical health records and the option to opt out of participation at any time; and
1591 (u) at the request of a procurement unit, as that term is defined in Section 63G-6a-103,
1592 that administers benefits to program recipients who are not covered by Title 26, Utah Health
1593 Code, provide services for:
1594 (i) drugs;
1595 (ii) medical devices; or
1596 (iii) other types of medical care.
1597 (2) (a) Funds budgeted and expended shall accrue from rates paid by the covered

1598 employers and covered individuals.
1599 (b) Administrative costs shall be approved by the board and reported to the governor
1600 and the Legislature.
1601 (3) The [~~Department~~] Division of Human Resource Management shall include the
1602 benefit adjustments described in Subsection (1)(j) in the total compensation plan recommended
1603 to the governor required under Subsection [~~67-19-12~~] 63A-17-307(5)(a).
1604 Section 22. Section **49-20-410** is amended to read:
1605 **49-20-410. High deductible health plan -- Health savings account --**
1606 **Contributions.**
1607 (1) (a) In addition to other employee benefit plans offered under Subsection
1608 49-20-201(1), the office shall offer at least one federally qualified high deductible health plan
1609 with a health savings account as an optional health plan.
1610 (b) The provisions and limitations of the plan shall be:
1611 (i) determined by the office in accordance with federal requirements and limitations;
1612 and
1613 (ii) designed to promote appropriate health care utilization by consumers, including
1614 preventive health care services.
1615 (c) A state employee hired on or after July 1, 2011, who is offered a plan under
1616 Subsection 49-20-202(1)(a), shall be enrolled in a federally qualified high deductible health
1617 plan unless the employee chooses a different health benefit plan during the employee's open
1618 enrollment period.
1619 (2) The office shall:
1620 (a) administer the high deductible health plan in coordination with a health savings
1621 account for medical expenses for each covered individual in the high deductible health plan;
1622 (b) offer to all employees training regarding all health plans offered to employees;
1623 (c) prepare online training as an option for the training required by Subsections (2)(b)
1624 and (4);
1625 (d) ensure the training offered under Subsections (2)(b) and (c) includes information on

1626 changing coverages to the high deductible plan with a health savings account, including
1627 coordination of benefits with other insurances, restrictions on other insurance coverages, and
1628 general tax implications; and
1629 (e) coordinate annual open enrollment with the [~~Department~~] Division of Human
1630 Resource Management to give state employees the opportunity to affirmatively select
1631 preferences from among insurance coverage options.
1632 (3) (a) Contributions to the health savings account may be made by the employer.
1633 (b) The amount of the employer contributions under Subsection (3)(a) shall be
1634 determined annually by the office, after consultation with the [~~Department~~] Division of Human
1635 Resource Management and the Governor's Office of Management and Budget so that the
1636 annual employer contribution amount is not less than the difference in the actuarial value
1637 between the program's health maintenance organization coverage and the federally qualified
1638 high deductible health plan coverage, after taking into account any difference in employee
1639 premium contribution.
1640 (c) The office shall distribute the annual amount determined under Subsection (3)(b) to
1641 employees in two equal amounts with a pay date in January and a pay date in July of each plan
1642 year.
1643 (d) An employee may also make contributions to the health savings account.
1644 (e) If an employee is ineligible for a contribution to a health savings account under
1645 federal law and would otherwise be eligible for the contribution under Subsection (3)(a), the
1646 contribution shall be distributed into a health reimbursement account or other tax-advantaged
1647 arrangement authorized under the Internal Revenue Code for the benefit of the employee.
1648 (4) (a) An employer participating in a plan offered under Subsection 49-20-202(1)(a)
1649 shall require each employee to complete training on the health plan options available to the
1650 employee.
1651 (b) The training required by Subsection (4)(a):
1652 (i) shall include materials prepared by the office under Subsection (2);
1653 (ii) may be completed online; and

1654 (iii) shall be completed:
1655 (A) before the end of the 2012 open enrollment period for current enrollees in the
1656 program; and
1657 (B) for employees hired on or after July 1, 2011, before the employee's selection of a
1658 plan in the program.
1659 Section 23. Section **53-1-106** is amended to read:
1660 **53-1-106. Department duties -- Powers.**
1661 (1) In addition to the responsibilities contained in this title, the department shall:
1662 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
1663 Code, including:
1664 (i) setting performance standards for towing companies to be used by the department,
1665 as required by Section 41-6a-1406; and
1666 (ii) advising the Department of Transportation regarding the safe design and operation
1667 of school buses, as required by Section 41-6a-1304;
1668 (b) make rules to establish and clarify standards pertaining to the curriculum and
1669 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;
1670 (c) aid in enforcement efforts to combat drug trafficking;
1671 (d) meet with the [~~Department~~] Division of Technology Services to formulate
1672 contracts, establish priorities, and develop funding mechanisms for dispatch and
1673 telecommunications operations;
1674 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
1675 Victims of Crime in conducting research or monitoring victims' programs, as required by
1676 Section 63M-7-505;
1677 (f) develop sexual assault exam protocol standards in conjunction with the Utah
1678 Hospital Association;
1679 (g) engage in emergency planning activities, including preparation of policy and
1680 procedure and rulemaking necessary for implementation of the federal Emergency Planning
1681 and Community Right to Know Act of 1986, as required by Section 53-2a-702;

1682 (h) implement the provisions of Section 53-2a-402, the Emergency Management
1683 Assistance Compact;
1684 (i) ensure that any training or certification required of a public official or public
1685 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
1686 22, State Training and Certification Requirements, if the training or certification is required:
1687 (i) under this title;
1688 (ii) by the department; or
1689 (iii) by an agency or division within the department; and
1690 (j) employ a law enforcement officer as a public safety liaison to be housed at the State
1691 Board of Education who shall work with the State Board of Education to:
1692 (i) support training with relevant state agencies for school resource officers as
1693 described in Section 53G-8-702;
1694 (ii) coordinate the creation of model policies and memorandums of understanding for a
1695 local education agency and a local law enforcement agency; and
1696 (iii) ensure cooperation between relevant state agencies, a local education agency, and
1697 a local law enforcement agency to foster compliance with disciplinary related statutory
1698 provisions, including Sections 53E-3-516 and 53G-8-211.
1699 (2) (a) The department shall establish a schedule of fees as required or allowed in this
1700 title for services provided by the department.
1701 (b) All fees not established in statute shall be established in accordance with Section
1702 63J-1-504.
1703 (3) The department may establish or contract for the establishment of an Organ
1704 Procurement Donor Registry in accordance with Section 26-28-120.
1705 Section 24. Section **53-2a-105** is amended to read:
1706 **53-2a-105. Emergency Management Administration Council created -- Function**
1707 **-- Composition -- Expenses.**
1708 (1) There is created the Emergency Management Administration Council to provide
1709 advice and coordination for state and local government agencies on government emergency

1710 prevention, mitigation, preparedness, response, and recovery actions and activities.
1711 (2) The council shall meet at the call of the chair, but at least semiannually.
1712 (3) The council shall be made up of the:
1713 (a) lieutenant governor, or the lieutenant governor's designee;
1714 (b) attorney general, or the attorney general's designee;
1715 (c) heads of the following state agencies, or their designees:
1716 (i) Department of Public Safety;
1717 (ii) Division of Emergency Management;
1718 (iii) Department of Transportation;
1719 (iv) Department of Health;
1720 (v) Department of Environmental Quality;
1721 (vi) Department of Workforce Services;
1722 (vii) Department of Natural Resources;
1723 (viii) Department of Agriculture and Food;
1724 (ix) [~~Department~~] Division of Technology Services; and
1725 (x) Division of Indian Affairs;
1726 (d) adjutant general of the National Guard or the adjutant general's designee;
1727 (e) statewide interoperability coordinator of the Utah Communications Authority or the
1728 coordinator's designee;
1729 (f) two representatives with expertise in emergency management appointed by the Utah
1730 League of Cities and Towns;
1731 (g) two representatives with expertise in emergency management appointed by the
1732 Utah Association of Counties;
1733 (h) up to four additional members with expertise in emergency management, critical
1734 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101
1735 appointed from the private sector, by the co-chairs of the council;
1736 (i) two representatives appointed by the Utah Emergency Management Association;
1737 (j) one representative from the Urban Area Working Group, appointed by the council

1738 co-chairs;

1739 (k) one representative from education, appointed by the council co-chairs; and

1740 (l) one representative from a volunteer or faith-based organization, appointed by the

1741 council co-chairs.

1742 (4) The commissioner and the lieutenant governor shall serve as co-chairs of the

1743 council.

1744 (5) A member may not receive compensation or benefits for the member's service, but

1745 may receive per diem and travel expenses in accordance with:

1746 (a) Section 63A-3-106;

1747 (b) Section 63A-3-107; and

1748 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1749 63A-3-107.

1750 (6) The council shall coordinate with existing emergency management related entities

1751 including:

1752 (a) the Emergency Management Regional Committees established by the Department

1753 of Public Safety;

1754 (b) the Statewide Mutual Aid Committee established under Section 53-2a-303; and

1755 (c) the Hazardous Chemical Emergency Response Commission designated under

1756 Section 53-2a-703.

1757 (7) The council may appoint additional members or establish other committees and

1758 task forces as determined necessary by the council to carry out the duties of the council.

1759 Section 25. Section **53-2a-802** is amended to read:

1760 **53-2a-802. Definitions.**

1761 (1) (a) "Absent" means:

1762 (i) not physically present or not able to be communicated with for 48 hours; or

1763 (ii) for local government officers, as defined by local ordinances.

1764 (b) "Absent" does not include a person who can be communicated with via telephone,

1765 radio, or telecommunications.

1766 (2) "Department" means the Department of [~~Administrative Services~~] Government
1767 Operations, the Department of Agriculture and Food, the Alcoholic Beverage Control
1768 Commission, the Department of Commerce, the Department of Heritage and Arts, the
1769 Department of Corrections, the Department of Environmental Quality, the Department of
1770 Financial Institutions, the Department of Health, [~~the Department of Human Resource~~
1771 ~~Management,~~] the Department of Workforce Services, the Labor Commission, the National
1772 Guard, the Department of Insurance, the Department of Natural Resources, the Department of
1773 Public Safety, the Public Service Commission, the Department of Human Services, the State
1774 Tax Commission, [~~the Department of Technology Services,~~] the Department of Transportation,
1775 any other major administrative subdivisions of state government, the State Board of Education,
1776 the Utah Board of Higher Education, the Utah Housing Corporation, the State Retirement
1777 Board, and each institution of higher education within the system of higher education.
1778 (3) "Division" means the Division of Emergency Management established in Title 53,
1779 Chapter 2a, Part 1, Emergency Management Act.
1780 (4) "Emergency interim successor" means a person designated by this part to exercise
1781 the powers and discharge the duties of an office when the person legally exercising the powers
1782 and duties of the office is unavailable.
1783 (5) "Executive director" means the person with ultimate responsibility for managing
1784 and overseeing the operations of each department, however denominated.
1785 (6) (a) "Office" includes all state and local offices, the powers and duties of which are
1786 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.
1787 (b) "Office" does not include the office of governor or the legislative or judicial offices.
1788 (7) "Place of governance" means the physical location where the powers of an office
1789 are being exercised.
1790 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,
1791 authorities, and other public corporations and entities whether organized and existing under
1792 charter or general law.
1793 (9) "Political subdivision officer" means a person holding an office in a political

1794 subdivision.
1795 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and
1796 the executive director of each department.
1797 (11) "Unavailable" means:
1798 (a) absent from the place of governance during a disaster that seriously disrupts normal
1799 governmental operations, whether or not that absence or inability would give rise to a vacancy
1800 under existing constitutional or statutory provisions; or
1801 (b) as otherwise defined by local ordinance.
1802 Section 26. Section **53-6-104** is amended to read:
1803 **53-6-104. Appointment of director of division -- Qualifications -- Appointment of**
1804 **employees -- Term of office -- Compensation.**
1805 (1) The commissioner, upon recommendation of the council and with the approval of
1806 the governor, shall appoint a director of the division.
1807 (2) The director is the executive and administrative head of the division and shall be
1808 experienced in administration and possess additional qualifications as determined by the
1809 commissioner and as provided by law.
1810 (3) The director shall be a full-time officer of the state.
1811 (4) The director may appoint deputies, consultants, clerks, and other employees from
1812 eligibility lists authorized by the [~~Department~~] Division of Human Resource Management.
1813 (5) The director may be removed from his position at the will of the commissioner.
1814 (6) The director shall receive compensation as provided by Title [~~67~~] 63A, Chapter
1815 [~~19~~] 17, Utah State Personnel Management Act.
1816 Section 27. Section **53-10-108** is amended to read:
1817 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
1818 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
1819 **-- Missing children records -- Penalty for misuse of records.**
1820 (1) As used in this section:
1821 (a) "FBI Rap Back System" means the rap back system maintained by the Federal

1822 Bureau of Investigation.
1823 (b) "Rap back system" means a system that enables authorized entities to receive
1824 ongoing status notifications of any criminal history reported on individuals whose fingerprints
1825 are registered in the system.
1826 (c) "WIN Database" means the Western Identification Network Database that consists
1827 of eight western states sharing one electronic fingerprint database.
1828 (2) Dissemination of information from a criminal history record, including information
1829 obtained from a fingerprint background check, name check, warrant of arrest information, or
1830 information from division files, is limited to:
1831 (a) criminal justice agencies for purposes of administration of criminal justice and for
1832 employment screening by criminal justice agencies;
1833 (b) (i) agencies or individuals pursuant to a specific agreement with a criminal justice
1834 agency to provide services required for the administration of criminal justice;
1835 (ii) the agreement shall specifically authorize access to data, limit the use of the data to
1836 purposes for which given, and ensure the security and confidentiality of the data;
1837 (c) a qualifying entity for employment background checks for their own employees and
1838 persons who have applied for employment with the qualifying entity;
1839 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,
1840 executive order, court rule, court order, or local ordinance;
1841 (e) agencies or individuals for the purpose of obtaining required clearances connected
1842 with foreign travel or obtaining citizenship;
1843 (f) agencies or individuals for the purpose of a preplacement adoptive study, in
1844 accordance with the requirements of Sections 78B-6-128 and 78B-6-130;
1845 (g) private security agencies through guidelines established by the commissioner for
1846 employment background checks for their own employees and prospective employees;
1847 (h) state agencies for the purpose of conducting a background check for the following
1848 individuals:
1849 (i) employees;

1850 (ii) applicants for employment;
1851 (iii) volunteers; and
1852 (iv) contract employees;
1853 (i) governor's office for the purpose of conducting a background check on the
1854 following individuals:
1855 (i) cabinet members;
1856 (ii) judicial applicants; and
1857 (iii) members of boards, committees, and commissions appointed by the governor;
1858 (j) the office of the lieutenant governor for the purpose of conducting a background
1859 check on an individual applying to be a notary public under Section 46-1-3[~~.~~];
1860 (k) agencies and individuals as the commissioner authorizes for the express purpose of
1861 research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
1862 agency; and
1863 (l) other agencies and individuals as the commissioner authorizes and finds necessary
1864 for protection of life and property and for offender identification, apprehension, and
1865 prosecution pursuant to an agreement.
1866 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data,
1867 limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of
1868 individuals to whom the information relates, and ensure the confidentiality and security of the
1869 data.
1870 (4) (a) Before requesting information, a qualifying entity under Subsection (2)(c), state
1871 agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a
1872 signed waiver from the person whose information is requested.
1873 (b) The waiver shall notify the signee:
1874 (i) that a criminal history background check will be conducted;
1875 (ii) who will see the information; and
1876 (iii) how the information will be used.
1877 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or

1878 individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal
1879 justice name based background check of local databases to the bureau shall provide to the
1880 bureau:
1881 (i) personal identifying information for the subject of the background check; and
1882 (ii) the fee required by Subsection (15).
1883 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or
1884 individual described in Subsections (2)(d) through (g) that submits a request for a WIN
1885 database check and a nationwide background check shall provide to the bureau:
1886 (i) personal identifying information for the subject of the background check;
1887 (ii) a fingerprint card for the subject of the background check; and
1888 (iii) the fee required by Subsection (15).
1889 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or
1890 other agency or individual described in Subsections (2)(d) through (j) may only be:
1891 (i) available to individuals involved in the hiring or background investigation of the job
1892 applicant, employee, or notary applicant;
1893 (ii) used for the purpose of assisting in making an employment appointment, selection,
1894 or promotion decision or for considering a notary applicant under Section 46-1-3; and
1895 (iii) used for the purposes disclosed in the waiver signed in accordance with Subsection
1896 (4)(b).
1897 (f) An individual who disseminates or uses information obtained from the division
1898 under Subsections (2)(c) through (j) for purposes other than those specified under Subsection
1899 (4)(e), in addition to any penalties provided under this section, is subject to civil liability.
1900 (g) A qualifying entity under Subsection (2)(c), state agency, or other agency or
1901 individual described in Subsections (2)(d) through (j) that obtains background check
1902 information shall provide the subject of the background check an opportunity to:
1903 (i) review the information received as provided under Subsection (9); and
1904 (ii) respond to any information received.
1905 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1906 division may make rules to implement this Subsection (4).
1907 (i) The division or its employees are not liable for defamation, invasion of privacy,
1908 negligence, or any other claim in connection with the contents of information disseminated
1909 under Subsections (2)(c) through (j).
1910 (5) (a) Any criminal history record information obtained from division files may be
1911 used only for the purposes for which it was provided and may not be further disseminated,
1912 except under Subsection (5)(b), (c), or (d).
1913 (b) A criminal history provided to an agency pursuant to Subsection (2)(f) may be
1914 provided by the agency to the individual who is the subject of the history, another licensed
1915 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
1916 adoption.
1917 (c) A criminal history of a defendant provided to a criminal justice agency under
1918 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,
1919 upon request during the discovery process, for the purpose of establishing a defense in a
1920 criminal case.
1921 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public
1922 Transit District Act, that is under contract with a state agency to provide services may, for the
1923 purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to
1924 the state agency or the agency's designee.
1925 (6) The division may not disseminate criminal history record information to qualifying
1926 entities under Subsection (2)(c) regarding employment background checks if the information is
1927 related to charges:
1928 (a) that have been declined for prosecution;
1929 (b) that have been dismissed; or
1930 (c) regarding which a person has been acquitted.
1931 (7) (a) This section does not preclude the use of the division's central computing
1932 facilities for the storage and retrieval of criminal history record information.
1933 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by

1934 unauthorized agencies or individuals.
1935 (8) Direct access through remote computer terminals to criminal history record
1936 information in the division's files is limited to those agencies authorized by the commissioner
1937 under procedures designed to prevent unauthorized access to this information.
1938 (9) (a) The commissioner shall establish procedures to allow an individual right of
1939 access to review and receive a copy of the individual's criminal history report.
1940 (b) A processing fee for the right of access service, including obtaining a copy of the
1941 individual's criminal history report under Subsection (9)(a) shall be set in accordance with
1942 Section 63J-1-504.
1943 (c) (i) The commissioner shall establish procedures for an individual to challenge the
1944 completeness and accuracy of criminal history record information contained in the division's
1945 computerized criminal history files regarding that individual.
1946 (ii) These procedures shall include provisions for amending any information found to
1947 be inaccurate or incomplete.
1948 (10) The private security agencies as provided in Subsection (2)(g):
1949 (a) shall be charged for access; and
1950 (b) shall be registered with the division according to rules made by the division under
1951 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
1952 (11) Before providing information requested under this section, the division shall give
1953 priority to criminal justice agencies needs.
1954 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
1955 use, disclose, or disseminate a record created, maintained, or to which access is granted by the
1956 division or any information contained in a record created, maintained, or to which access is
1957 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or
1958 policy of a governmental entity.
1959 (b) A person who discovers or becomes aware of any unauthorized use of records
1960 created or maintained, or to which access is granted by the division shall inform the
1961 commissioner and the director of the Utah Bureau of Criminal Identification of the

1962 unauthorized use.

1963 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in
1964 Subsection (2) may request that the division register fingerprints taken for the purpose of
1965 conducting current and future criminal background checks under this section with:

1966 (i) the WIN Database rap back system, or any successor system;

1967 (ii) the FBI Rap Back System; or

1968 (iii) a system maintained by the division.

1969 (b) A qualifying entity or an entity described in Subsection (2) may only make a
1970 request under Subsection (13)(a) if the entity:

1971 (i) has the authority through state or federal statute or federal executive order;

1972 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;
1973 and

1974 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives
1975 notifications for individuals with whom the entity maintains an authorizing relationship.

1976 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to
1977 be retained in the FBI Rap Back System for the purpose of being searched by future
1978 submissions to the FBI Rap Back System, including latent fingerprint searches.

1979 (15) (a) The division shall impose fees set in accordance with Section 63J-1-504 for
1980 the applicant fingerprint card, name check, and to register fingerprints under Subsection
1981 (13)(a).

1982 (b) Funds generated under this Subsection (15) shall be deposited into the General
1983 Fund as a dedicated credit by the department to cover the costs incurred in providing the
1984 information.

1985 (c) The division may collect fees charged by an outside agency for services required
1986 under this section.

1987 (16) For the purposes of conducting a criminal background check authorized under
1988 Subsection (2)(h),(i), or (j), the [~~Department~~] Division of Human Resource Management, in
1989 accordance with Title [~~67, Chapter 19~~] 63A, Chapter 17, Utah State Personnel Management

1990 Act, and the governor's office shall have direct access to criminal background information
1991 maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
1992 Section 28. Section **53B-17-105** is amended to read:
1993 **53B-17-105. Utah Education and Telehealth Network.**
1994 (1) There is created the Utah Education and Telehealth Network, or UETN.
1995 (2) UETN shall:
1996 (a) coordinate and support the telecommunications needs of public and higher
1997 education, public libraries, and entities affiliated with the state systems of public and higher
1998 education as approved by the Utah Education and Telehealth Network Board, including the
1999 statewide development and implementation of a network for education, which utilizes satellite,
2000 microwave, fiber-optic, broadcast, and other transmission media;
2001 (b) coordinate the various telecommunications technology initiatives of public and
2002 higher education;
2003 (c) provide high-quality, cost-effective Internet access and appropriate interface
2004 equipment for schools and school systems;
2005 (d) procure, install, and maintain telecommunication services and equipment on behalf
2006 of public and higher education;
2007 (e) develop or implement other programs or services for the delivery of distance
2008 learning and telehealth services as directed by law;
2009 (f) apply for state and federal funding on behalf of:
2010 (i) public and higher education; and
2011 (ii) telehealth services;
2012 (g) in consultation with health care providers from a variety of health care systems,
2013 explore and encourage the development of telehealth services as a means of reducing health
2014 care costs and increasing health care quality and access, with emphasis on assisting rural health
2015 care providers and special populations; and
2016 (h) in consultation with the Utah Department of Health, advise the governor and the
2017 Legislature on:

2018 (i) the role of telehealth in the state;
2019 (ii) the policy issues related to telehealth;
2020 (iii) the changing telehealth needs and resources in the state; and
2021 (iv) state budgetary matters related to telehealth.
2022 (3) In performing the duties under Subsection (2), UETN shall:
2023 (a) provide services to schools, school districts, and the public and higher education
2024 systems through an open and competitive bidding process;
2025 (b) work with the private sector to deliver high-quality, cost-effective services;
2026 (c) avoid duplicating facilities, equipment, or services of private providers or public
2027 telecommunications service, as defined under Section 54-8b-2;
2028 (d) utilize statewide economic development criteria in the design and implementation
2029 of the educational telecommunications infrastructure; and
2030 (e) assure that public service entities, such as educators, public service providers, and
2031 public broadcasters, are provided access to the telecommunications infrastructure developed in
2032 the state.
2033 (4) The University of Utah shall provide administrative support for UETN.
2034 (5) (a) The Utah Education and Telehealth Network Board, which is the governing
2035 board for UETN, is created.
2036 (b) The Utah Education and Telehealth Network Board shall have 13 members as
2037 follows:
2038 (i) five members representing the state system of higher education, of which at least one
2039 member represents technical colleges, appointed by the commissioner of higher education;
2040 (ii) four members representing the state system of public education appointed by the
2041 State Board of Education;
2042 (iii) one member representing the state library appointed by the state librarian;
2043 (iv) two members representing hospitals as follows:
2044 (A) the members may not be employed by the same hospital system;
2045 (B) one member shall represent a rural hospital;

2046 (C) one member shall represent an urban hospital; and
2047 (D) the chief administrator or the administrator's designee for each hospital licensed in
2048 this state shall select the two hospital representatives; and
2049 (v) one member representing the office of the governor, appointed by the governor.
2050 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
2051 appointed for the unexpired term.
2052 (d) (i) The board shall elect a chair.
2053 (ii) The chair shall set the agenda for the board meetings.
2054 (6) A member of the board may not receive compensation or benefits for the member's
2055 service, but may receive per diem and travel expenses in accordance with:
2056 (a) Section 63A-3-106;
2057 (b) Section 63A-3-107; and
2058 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2059 63A-3-107.
2060 (7) The board:
2061 (a) shall hire an executive director for UETN who may hire staff for UETN as
2062 permitted by the budget;
2063 (b) may terminate the executive director's employment or assignment;
2064 (c) shall determine the executive director's salary;
2065 (d) shall annually conduct a performance evaluation of the executive director;
2066 (e) shall establish policies the board determines are necessary for the operation of
2067 UETN and the administration of UETN's duties; and
2068 (f) shall advise UETN in:
2069 (i) the development and operation of a coordinated, statewide, multi-option
2070 telecommunications system to assist in the delivery of educational services and telehealth
2071 services throughout the state; and
2072 (ii) acquiring, producing, and distributing instructional content.
2073 (8) The executive director of UETN shall be an at-will employee.

2074 (9) UETN shall locate and maintain educational and telehealth telecommunication
2075 infrastructure throughout the state.
2076 (10) Educational institutions shall manage site operations under policy established by
2077 UETN.
2078 (11) Subject to future budget constraints, the Legislature shall provide an annual
2079 appropriation to operate UETN.
2080 (12) If the network operated by the [~~Department~~] Division of Technology Services is
2081 not available, UETN may provide network connections to the central administration of counties
2082 and municipalities for the sole purpose of transferring data to a secure facility for backup and
2083 disaster recovery.
2084 Section 29. Section **53C-1-201** is amended to read:
2085 **53C-1-201. Creation of administration -- Purpose -- Director -- Participation in**
2086 **Risk Management Fund -- Closed meetings.**
2087 (1) (a) There is established within state government the School and Institutional Trust
2088 Lands Administration.
2089 (b) The administration shall manage all school and institutional trust lands and assets
2090 within the state, except as otherwise provided in Title 53C, Chapter 3, Deposit and Allocation
2091 of Revenue from Trust Lands, and Title 53D, Chapter 1, School and Institutional Trust Fund
2092 Management Act.
2093 (2) The administration is an independent state agency and not a division of any other
2094 department.
2095 (3) (a) The administration is subject to the usual legislative and executive department
2096 controls except as provided in this Subsection (3).
2097 (b) (i) The director may make rules as approved by the board that allow the
2098 administration to classify a business proposal submitted to the administration as protected
2099 under Section 63G-2-305, for as long as is necessary to evaluate the proposal.
2100 (ii) The administration shall return the proposal to the party who submitted the
2101 proposal, and incur no further duties under Title 63G, Chapter 2, Government Records Access

2102 and Management Act, if the administration determines not to proceed with the proposal.
2103 (iii) The administration shall classify the proposal pursuant to law if the administration
2104 decides to proceed with the proposal.
2105 (iv) Section 63G-2-403 does not apply during the review period.
2106 (c) The director shall make rules in compliance with Title 63G, Chapter 3, Utah
2107 Administrative Rulemaking Act, except that the administration is not subject to Subsections
2108 63G-3-301(5), (6), (7), and (13) and Section 63G-3-601, and the director, with the board's
2109 approval, may establish a procedure for the expedited approval of rules, based on written
2110 findings by the director showing:
2111 (i) the changes in business opportunities affecting the assets of the trust;
2112 (ii) the specific business opportunity arising out of those changes which may be lost
2113 without the rule or changes to the rule;
2114 (iii) the reasons the normal procedures under Section 63G-3-301 cannot be met without
2115 causing the loss of the specific opportunity;
2116 (iv) approval by at least five board members; and
2117 (v) that the director has filed a copy of the rule and a rule analysis, stating the specific
2118 reasons and justifications for the director's findings, with the Office of Administrative Rules
2119 and notified interested parties as provided in Subsection 63G-3-301(10).
2120 (d) (i) The administration shall comply with Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah
2121 State Personnel Management Act, except as provided in this Subsection (3)(d).
2122 (ii) (A) The board may approve, upon recommendation of the director, that exemption
2123 for specific positions under Subsections [~~67-19-12(2) and 67-19-15(1)~~] 63A-17-301(1) and
2124 63A-17-307(2) is required in order to enable the administration to efficiently fulfill the
2125 administration's responsibilities under the law.
2126 (B) The director shall consult with the [~~executive~~] director of the [~~Department~~]
2127 Division of Human Resource Management before making a recommendation under Subsection
2128 (3)(d)(ii)(A).
2129 (iii) The positions of director, deputy director, associate director, assistant director,

2130 legal counsel appointed under Section 53C-1-305, administrative assistant, and public affairs
2131 officer are exempt under Subsections [~~67-19-12(2) and 67-19-15(1)~~] 63A-17-301(1) and
2132 63A-17-307(2).
2133 (iv) (A) The director shall set salaries for exempted positions, except for the director,
2134 after consultation with the [~~executive~~] director of the [~~Department~~] Division of Human
2135 Resource Management, within ranges approved by the board.
2136 (B) The board and director shall consider salaries for similar positions in private
2137 enterprise and other public employment when setting salary ranges.
2138 (v) The board may create an annual incentive and bonus plan for the director and other
2139 administration employees designated by the board, based upon the attainment of financial
2140 performance goals and other measurable criteria defined and budgeted in advance by the board.
2141 (e) The administration shall comply with:
2142 (i) subject to Subsection (8), Title 52, Chapter 4, Open and Public Meetings Act;
2143 (ii) Title 63G, Chapter 2, Government Records Access and Management Act; and
2144 (iii) Title 63G, Chapter 6a, Utah Procurement Code, except where the board approves,
2145 upon recommendation of the director, exemption from the Utah Procurement Code, and
2146 simultaneous adoption of rules under Title 63G, Chapter 3, Utah Administrative Rulemaking
2147 Act, for procurement, that enable the administration to efficiently fulfill the administration's
2148 responsibilities under the law.
2149 (f) (i) Except as provided in Subsection (3)(f)(ii), the administration is not subject to
2150 the fee agency requirements of Section 63J-1-504.
2151 (ii) The following fees of the administration are subject to Section 63J-1-504:
2152 (A) application;
2153 (B) assignment;
2154 (C) amendment;
2155 (D) affidavit for lost documents;
2156 (E) name change;
2157 (F) reinstatement;

2158 (G) grazing nonuse;
2159 (H) extension of time;
2160 (I) partial conveyance;
2161 (J) patent reissue;
2162 (K) collateral assignment;
2163 (L) electronic payment; and
2164 (M) processing.
2165 (g) (i) Notwithstanding Subsection 63J-1-206(2)(c), the administration may transfer
2166 money between the administration's line items.
2167 (ii) Before transferring appropriated money between line items, the administration shall
2168 submit a proposal to the board for the board's approval.
2169 (iii) If the board gives approval to a proposal to transfer appropriated money between
2170 line items, the administration shall submit the proposal to the Legislative Executive
2171 Appropriations Committee for the Legislative Executive Appropriations Committee's review
2172 and recommendations.
2173 (iv) The Legislative Executive Appropriations Committee may recommend:
2174 (A) that the administration transfer the appropriated money between line items;
2175 (B) that the administration not transfer the appropriated money between line items; or
2176 (C) to the governor that the governor call a special session of the Legislature to
2177 supplement the appropriated budget for the administration.
2178 (4) The administration is managed by a director of school and institutional trust lands
2179 appointed by a majority vote of the board of trustees with the consent of the governor.
2180 (5) (a) The board of trustees shall provide policies for the management of the
2181 administration and for the management of trust lands and assets.
2182 (b) (i) The board shall provide policies for the ownership and control of Native
2183 American remains that are discovered or excavated on school and institutional trust lands in
2184 consultation with the Division of Indian Affairs and giving due consideration to Title 9,
2185 Chapter 9, Part 4, Native American Grave Protection and Repatriation Act.

2186 (ii) The director may make rules in accordance with Title 63G, Chapter 3, Utah
2187 Administrative Rulemaking Act, to implement policies provided by the board regarding Native
2188 American remains.
2189 (6) In connection with joint ventures and other transactions involving trust lands and
2190 minerals approved under Sections 53C-1-303 and 53C-2-401, the administration, with board
2191 approval, may become a member of a limited liability company under Title 48, Chapter 3a,
2192 Utah Revised Uniform Limited Liability Company Act, as appropriate pursuant to Section
2193 48-3a-1405 and is considered a person under Section 48-3a-102.
2194 (7) Subject to Subsection 63E-1-304(2), the administration may participate in coverage
2195 under the Risk Management Fund created by Section 63A-4-201.
2196 (8) (a) Notwithstanding Subsection (3), Subsection 52-4-204(2) or 52-4-205(1), and in
2197 addition to the reasons to close a meeting under Section 52-4-205, the board may hold a closed
2198 meeting if two-thirds of the members present when a quorum is present vote to close the
2199 meeting for the purpose of:
2200 (i) conducting a strategy session to discuss market conditions relevant to the sale of
2201 particular trust assets if the terms of the sale of any trust assets are publicly disclosed before the
2202 board approves the sale and a public discussion would:
2203 (A) disclose the appraisal or estimated value of the trust assets under consideration; or
2204 (B) prevent the board from completing a contemplated transaction concerning the trust
2205 assets on the best possible terms; or
2206 (ii) conducting a strategy session to evaluate the terms of a joint venture or other
2207 business arrangement authorized under Subsection 53C-1-303(3)(e) if the terms of the joint
2208 venture or other business arrangement are publicly disclosed before the board approves the
2209 transaction and a public discussion of the transaction would:
2210 (A) disclose the appraisal or estimated value of the trust assets under consideration; or
2211 (B) prevent the board from completing the transaction concerning the joint venture or
2212 other business arrangement on the best possible terms.
2213 (b) The board shall comply with the procedural requirements for closing a meeting

2214 under Title 52, Chapter 4, Open and Public Meetings Act.

2215 Section 30. Section **53D-1-103** is amended to read:

2216 **53D-1-103. Application of other law.**

2217 (1) The office, board, and nominating committee are subject to:

2218 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

2219 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website.

2220 (2) Subject to Subsection 63E-1-304(2), the office may participate in coverage under

2221 the Risk Management Fund, created in Section 63A-4-201.

2222 (3) The office and board are subject to:

2223 (a) Title 63G, Chapter 2, Government Records Access and Management Act, except

2224 for records relating to investment activities; and

2225 (b) Title 63G, Chapter 6a, Utah Procurement Code.

2226 (4) (a) In making rules under this chapter, the director is subject to and shall comply

2227 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in

2228 Subsection (4)(b).

2229 (b) Subsections 63G-3-301(6) and (7) and Section 63G-3-601 do not apply to the

2230 director's making of rules under this chapter.

2231 (5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board

2232 member to the same extent as it applies to an employee, as defined in Section 63G-7-102.

2233 (6) (a) A board member, the director, and an office employee or agent are subject to:

2234 (i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and

2235 (ii) other requirements that the board establishes.

2236 (b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a

2237 board member, the director, and an office employee or agent may not directly or indirectly

2238 acquire an interest in the trust fund or receive any direct benefit from any transaction dealing

2239 with trust fund money.

2240 (7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title [~~67~~]

2241 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

2242 (b) (i) Upon a recommendation from the director after the director's consultation with
2243 the [~~executive~~] director of the [~~Department~~] Division of Human Resource Management, the
2244 board may provide that specified positions in the office are exempt from Section [~~67-19-12~~]
2245 63A-17-307 and the career service provisions of Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State
2246 Personnel Management Act, as provided in Subsection [~~67-19-15~~] 63A-17-301(1), if the board
2247 determines that exemption is required for the office to fulfill efficiently its responsibilities
2248 under this chapter.
2249 (ii) The director position is exempt from Section [~~67-19-12~~] 63A-17-307 and the career
2250 service provisions of Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act,
2251 as provided in Subsection [~~67-19-15~~] 63A-17-301(1).
2252 (iii) (A) After consultation with the [~~executive~~] director of the [~~Department~~] Division
2253 of Human Resource Management, the director shall set salaries for positions that are exempted
2254 under Subsection (7)(b)(i), within ranges that the board approves.
2255 (B) In approving salary ranges for positions that are exempted under Subsection
2256 (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other
2257 public employment.
2258 (8) The office is subject to legislative appropriation, to executive branch budgetary
2259 review and recommendation, and to legislative and executive branch review.
2260 Section 31. Section **53E-8-301** is amended to read:
2261 **53E-8-301. Educators exempt from Division of Human Resource Management**
2262 **rules -- Collective bargaining agreement.**
2263 (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt
2264 from mandatory compliance with rules of the [~~Department~~] Division of Human Resource
2265 Management.
2266 (2) The state board may enter into a collective bargaining agreement to establish
2267 compensation and other personnel policies with educators employed by the Utah Schools for
2268 the Deaf and the Blind to replace rules of the [~~Department~~] Division of Human Resource
2269 Management.

2270 (3) A collective bargaining agreement made under Subsection (2) is subject to the same
2271 requirements that are imposed on local school boards by Section 53G-11-202.
2272 Section 32. Section **54-1-6** is amended to read:
2273 **54-1-6. Employment of staff -- Status and compensation -- Employees not to be**
2274 **parties or witnesses and may not appeal commission decisions.**
2275 (1) The annual budget of the Public Service Commission shall provide sufficient funds
2276 for the commission to hire, develop, and organize an advisory staff to assist the commission in
2277 performing the powers, duties, and functions committed to it by statute.
2278 (a) The commission may hire:
2279 (i) economists, accountants, engineers, statisticians, lawyers, law clerks, and other
2280 professional and technical experts;
2281 (ii) court reporters, transcribers of tape recordings, clerks, secretaries, and other
2282 administrative and support staff;
2283 (iii) additional experts as required for a particular matter; and
2284 (iv) administrative law judges, who shall be members of the Utah State Bar, and
2285 constitute a separate organizational unit reporting directly to the commission.
2286 (b) The commission may provide for funds in the annual budget to acquire suitable
2287 electronic recording equipment to maintain a verbatim record of proceedings before the
2288 commission, any commissioner, or any administrative law judge.
2289 (2) (a) With the exception of clerical workers in nonconfidential positions, all staff of
2290 the Public Service Commission are exempt employees under the State Personnel Management
2291 Act and serve at the pleasure of the commission.
2292 (b) Administrative law judges are exempt employees under the State Personnel
2293 Management Act and may only be removed from office upon due notice and by a unanimous
2294 vote of the commission.
2295 (c) (i) The [~~Department~~] Division of Human Resource Management shall determine
2296 pay schedules using standard techniques for determining compensation.
2297 (ii) The [~~Department~~] Division of Human Resource Management may make [~~its~~] the

2298 division's compensation determinations based upon compensation practices common to utility
2299 companies throughout the United States.
2300 (3) (a) The staff or other employees of the commission may not appear as parties or
2301 witnesses in any proceeding before the commission, any commissioner, or any administrative
2302 law judge.
2303 (b) The staff or other employees of the commission may not appeal any finding, order,
2304 or decision of the commission.
2305 Section 33. Section **54-4a-3** is amended to read:
2306 **54-4a-3. Budget of division -- Employment of personnel.**
2307 (1) The annual budget of the Division of Public Utilities shall provide sufficient funds
2308 for the division to hire, develop, and organize a technical and professional staff to perform the
2309 duties, powers, and responsibilities committed to it by statute.
2310 (2) The division director may:
2311 (a) hire economists, accountants, engineers, inspectors, statisticians, lawyers, law
2312 clerks, and other technical and professional experts as may be required;
2313 (b) retain additional experts as required for a particular matter, but only to the extent
2314 that it is necessary to supplement division staff in order to fulfill its duties; and
2315 (c) employ necessary administrative and support staff.
2316 (3) (a) The [~~Department~~] Division of Human Resource Management shall determine
2317 pay schedules using standard techniques for determining compensation.
2318 (b) The [~~Department~~] Division of Human Resource Management may make [~~its~~] the
2319 division's compensation determinations based upon compensation common to utility
2320 companies throughout the United States.
2321 Section 34. Section **61-1-18** is amended to read:
2322 **61-1-18. Division of Securities established -- Director -- Investigators.**
2323 (1) (a) There is established within the Department of Commerce a Division of
2324 Securities.
2325 (b) The division is under the direction and control of a director. The executive director

2326 shall appoint the director with the governor's approval.
2327 (c) Subject to Section 61-1-18.5, the division shall administer and enforce this chapter.
2328 (d) The director shall hold office at the pleasure of the governor.
2329 (2) The director, with the approval of the executive director, may employ the staff
2330 necessary to discharge the duties of the division or commission at salaries to be fixed by the
2331 director according to standards established by the [~~Department~~] Division of Human Resource
2332 Management.
2333 (3) An investigator employed pursuant to Subsection (2) who meets the training
2334 requirements of Subsection 53-13-105(3) may be designated a special function officer, as
2335 defined in Section 53-13-105, by the director, but is not eligible for retirement benefits under
2336 the Public Safety Employee's Retirement System.
2337 Section 35. Section **61-2-201** is amended to read:
2338 **61-2-201. Division of Real Estate created -- Director appointed -- Personnel.**
2339 (1) There is created within the department a Division of Real Estate. The division is
2340 responsible for the administration and enforcement of:
2341 (a) this chapter;
2342 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;
2343 (c) Title 57, Chapter 19, Timeshare and Camp Resort Act;
2344 (d) Title 57, Chapter 23, Real Estate Cooperative Marketing Act;
2345 (e) Title 57, Chapter 29, Undivided Fractionalized Long-term Estate Sales Practices
2346 Act;
2347 (f) Chapter 2c, Utah Residential Mortgage Practices and Licensing Act;
2348 (g) Chapter 2e, Appraisal Management Company Registration and Regulation Act;
2349 (h) Chapter 2f, Real Estate Licensing and Practices Act; and
2350 (i) Chapter 2g, Real Estate Appraiser Licensing and Certification Act.
2351 (2) The division is under the direction and control of a director appointed by the
2352 executive director of the department with the approval of the governor. The director holds the
2353 office of director at the pleasure of the governor.

2354 (3) The director, with the approval of the executive director, may employ personnel
2355 necessary to discharge the duties of the division at salaries to be fixed by the director according
2356 to standards established by the [~~Department of Administrative Services~~] Division of Human
2357 Resource Management.
2358 Section 36. Section **62A-1-121** is amended to read:
2359 **62A-1-121. Tracking effects of abuse of alcoholic products.**
2360 (1) There is created a committee within the department known as the "Alcohol Abuse
2361 Tracking Committee" that consists of:
2362 (a) the executive director or the executive director's designee;
2363 (b) the executive director of the Department of Health or that executive director's
2364 designee;
2365 (c) the commissioner of the Department of Public Safety or the commissioner's
2366 designee;
2367 (d) the director of the Department of Alcoholic Beverage Control or that director's
2368 designee;
2369 (e) the executive director of the Department of Workforce Services or that executive
2370 director's designee;
2371 (f) the chair of the Utah Substance Use and Mental Health Advisory Council or the
2372 chair's designee;
2373 (g) the state court administrator or the state court administrator's designee; and
2374 (h) the [~~executive~~] director of the [~~Department~~] Division of Technology Services or
2375 that [~~executive~~] director's designee.
2376 (2) The executive director or the executive director's designee shall chair the
2377 committee.
2378 (3) (a) Four members of the committee constitute a quorum.
2379 (b) A vote of the majority of the committee members present when a quorum is present
2380 is an action of the committee.
2381 (4) The committee shall meet at the call of the chair, except that the chair shall call a

2382 meeting at least twice a year:
2383 (a) with one meeting held each year to develop the report required under Subsection
2384 (7); and
2385 (b) with one meeting held to review and finalize the report before the report is issued.
2386 (5) The committee may adopt additional procedures or requirements for:
2387 (a) voting, when there is a tie of the committee members;
2388 (b) how meetings are to be called; and
2389 (c) the frequency of meetings.
2390 (6) The committee shall establish a process to collect for each calendar year the
2391 following information:
2392 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no
2393 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
2394 violation related to underage drinking of alcohol;
2395 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no
2396 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
2397 violation related to driving under the influence of alcohol;
2398 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,
2399 related to over-serving or over-consumption of an alcoholic product;
2400 (d) the cost of social services provided by the state related to abuse of alcohol,
2401 including services provided by the Division of Child and Family Services;
2402 (e) the location where the alcoholic products that result in the violations or costs
2403 described in Subsections (6)(a) through (d) are obtained; and
2404 (f) any information the committee determines can be collected and relates to the abuse
2405 of alcoholic products.
2406 (7) The committee shall report the information collected under Subsection (6) annually
2407 to the governor and the Legislature by no later than the July 1 immediately following the
2408 calendar year for which the information is collected.
2409 Section 37. Section **62A-1-122** is amended to read:

2410 **62A-1-122. Child pornography.**
2411 (1) As used in this section:
2412 (a) "Child pornography" means the same as that term is defined in Section 76-5b-103.
2413 (b) "Secure" means to prevent and prohibit access, electronic upload, transmission, or
2414 transfer of an image.
2415 (2) The department or a division within the department may not retain child
2416 pornography longer than is necessary to comply with the requirements of this section.
2417 (3) When the department or a division within the department obtains child
2418 pornography as a result of an employee unlawfully viewing child pornography, the department
2419 or division shall consult with and follow the guidance of the [~~Department~~] Division of Human
2420 Resource Management regarding personnel action and local law enforcement regarding
2421 retention of the child pornography.
2422 (4) When the department or a division within the department obtains child
2423 pornography as a result of a report or an investigation, the department or division shall
2424 immediately secure the child pornography, or the electronic device if the child pornography is
2425 digital, and contact the law enforcement office that has jurisdiction over the area where the
2426 division's case is located.
2427 Section 38. Section **62A-15-613** is amended to read:
2428 **62A-15-613. Appointment of superintendent -- Qualifications -- Powers and**
2429 **responsibilities.**
2430 (1) The director, with the consent of the executive director, shall appoint a
2431 superintendent of the state hospital, who shall hold office at the will of the director.
2432 (2) The superintendent shall have a bachelor's degree from an accredited university or
2433 college, be experienced in administration, and be knowledgeable in matters concerning mental
2434 health.
2435 (3) The superintendent has general responsibility for the buildings, grounds, and
2436 property of the state hospital. The superintendent shall appoint, with the approval of the
2437 director, as many employees as necessary for the efficient and economical care and

2438 management of the state hospital, and shall fix the employees' compensation and administer
2439 personnel functions according to the standards of the [~~Department~~] Division of Human
2440 Resource Management.
2441 Section 39. Section **63A-1-101** is amended to read:
2442 **TITLE 63A. UTAH GOVERNMENT OPERATIONS CODE**
2443 **CHAPTER 1. DEPARTMENT OF GOVERNMENT OPERATIONS**
2444 **63A-1-101. Title.**
2445 (1) This title is known as the "Utah [~~Administrative Services~~] Government Operations
2446 Code."
2447 (2) This chapter is known as "Department of Government Operations."
2448 Section 40. Section **63A-1-102** is amended to read:
2449 **63A-1-102. Purposes.**
2450 The department shall:
2451 (1) provide specialized agency support services commonly needed;
2452 (2) provide effective, coordinated management of state [~~administrative~~] government
2453 operations services;
2454 (3) serve the public interest by providing services in a cost-effective and efficient
2455 manner, eliminating unnecessary duplication;
2456 (4) enable administrators to respond effectively to technological improvements;
2457 (5) emphasize the service role of state administrative service agencies in meeting the
2458 service needs of user agencies;
2459 (6) use flexibility in meeting the service needs of state agencies; and
2460 (7) protect the public interest by [~~insuring~~] ensuring the integrity of the fiscal
2461 accounting procedures and policies that govern the operation of agencies and institutions to
2462 assure that funds are expended properly and lawfully.
2463 Section 41. Section **63A-1-103** is amended to read:
2464 **63A-1-103. Definitions.**
2465 As used in this title:

2466 (1) "Agency" means a board, commission, institution, department, division, officer,
2467 council, office, committee, bureau, or other administrative unit of the state, including the
2468 agency head, agency employees, or other persons acting on behalf of or under the authority of
2469 the agency head, the Legislature, the courts, or the governor, but does not mean a political
2470 subdivision of the state, or any administrative unit of a political subdivision of the state.
2471 (2) "Department" means the Department of [~~Administrative Services~~] Government
2472 Operations.
2473 (3) "Executive director" means the executive director of the Department of
2474 [~~Administrative Services~~] Government Operations.
2475 Section 42. Section **63A-1-104** is amended to read:
2476 **63A-1-104. Creation of department.**
2477 There is created within state government the Department of [~~Administrative Services~~]
2478 Government Operations, to be administered by an executive director.
2479 Section 43. Section **63A-1-109** is amended to read:
2480 **63A-1-109. Divisions of department -- Administration.**
2481 (1) The department [~~shall be~~] is composed of:
2482 (a) the following divisions:
2483 [~~(i) archives and records;~~]
2484 [~~(ii) facilities construction and management;~~]
2485 [~~(iii) finance;~~]
2486 [~~(iv) fleet operations;~~]
2487 [~~(v) state purchasing and general services; and~~]
2488 [~~(vi) risk management; and~~]
2489 [~~(b) the Office of Administrative Rules.~~]
2490 (i) the Division of Purchasing and General Services, created in Section 63A-2-101;
2491 (ii) the Division of Finance, created in Section 63A-3-101;
2492 (iii) the Division of Facilities Construction and Management, created in Section
2493 63A-5b-301;

2494 (iv) the Division of Fleet Operations, created in Section 63A-9-201;
2495 (v) the Division of Archives and Records Service, created in Section 63A-12-101;
2496 (vi) the Division of Technology Services, created in Section 63A-16-103;
2497 (vii) the Division of Human Resource Management, created in Section 63A-17-105;
2498 and
2499 (viii) the Division of Risk Management, created in Section 63A-4-101; and
2500 (b) the Utah Office of Administrative Rules, created in Section 63G-3-401.
2501 (2) Each division described in Subsection (1)(a) shall be administered and managed by
2502 a division director.
2503 Section 44. Section **63A-1-114** is amended to read:
2504 **63A-1-114. Rate committee -- Membership -- Duties.**
2505 (1) (a) There is created a rate committee consisting of the executive directors,
2506 commissioners, or superintendents of seven state agencies, which may include the State Board
2507 of Education, that use services and pay rates to one of the department internal service funds, or
2508 their designee, that the governor appoints for a two-year term.
2509 [~~(b) (i) Of the seven state agencies represented on the rate committee under Subsection~~
2510 ~~(1)(a), only one of the following may be represented on the committee, if at all, at any one~~
2511 ~~time:~~]
2512 [~~(A) the Governor's Office of Management and Budget; or~~]
2513 [~~(B) the Department of Technology Services.~~]
2514 [~~(ii)~~] (b) The department may not have a representative on the rate committee.
2515 (c) (i) The committee shall elect a chair from [~~its~~] the committee's members.
2516 (ii) Members of the committee who are state government employees and who do not
2517 receive salary, per diem, or expenses from their agency for their service on the committee shall
2518 receive no compensation, benefits, per diem, or expenses for the members' service on the
2519 committee.
2520 (d) The [~~Department of Administrative Services~~] department shall provide staff
2521 services to the committee.

2522 (2) (a) A division described in Section 63A-1-109 that manages an internal service
2523 fund shall submit to the committee a proposed rate and fee schedule for services rendered by
2524 the division to an executive branch entity or an entity that subscribes to services rendered by
2525 the division.
2526 (b) The committee shall:
2527 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
2528 Act;
2529 (ii) meet at least once each calendar year to:
2530 (A) discuss the service performance of each internal service fund;
2531 (B) review the proposed rate and fee schedules;
2532 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee
2533 schedules described in Subsection (2)(b)(ii)(B); and
2534 (D) discuss any prior or potential adjustments to the service level received by state
2535 agencies that pay rates to an internal service fund;
2536 (iii) recommend a proposed rate and fee schedule for each internal service fund to:
2537 (A) the Governor's Office of Management and Budget; and
2538 (B) each legislative appropriations subcommittee that, in accordance with Section
2539 63J-1-410, approves the internal service fund agency's rates, fees, and budget; and
2540 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an
2541 internal service fund agency begins a new service or introduces a new product between annual
2542 general sessions of the Legislature.
2543 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate,
2544 fee, or amount that has been approved by the Legislature.
2545 Section 45. Section **63A-1-201** is amended to read:
2546 **63A-1-201. Definitions.**
2547 As used in this part:
2548 (1) "Board" means the Utah Transparency Advisory Board created under Section
2549 63A-1-203.

2550 [~~(2) "Department" means the Department of Administrative Services.~~]
2551 [~~(3)~~] (2) (a) "Independent entity," except as provided in Subsection [~~(3)~~] (2)(c), means
2552 the same as that term is defined in Section 63E-1-102.
2553 (b) "Independent entity" includes an entity that is part of an independent entity
2554 described in this Subsection [~~(3)~~] (2), if the entity is considered a component unit of the
2555 independent entity under the governmental accounting standards issued by the Governmental
2556 Accounting Standards Board.
2557 (c) "Independent entity" does not include the Utah State Retirement Office created in
2558 Section 49-11-201.
2559 [~~(4)~~] (3) "Participating local entity" means each of the following local entities:
2560 (a) a county;
2561 (b) a municipality;
2562 (c) a local district under Title 17B, Limited Purpose Local Government Entities - Local
2563 Districts;
2564 (d) a special service district under Title 17D, Chapter 1, Special Service District Act;
2565 (e) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;
2566 (f) a school district;
2567 (g) a charter school;
2568 (h) except for a taxed interlocal entity as defined in Section 11-13-602:
2569 (i) an interlocal entity as defined in Section 11-13-103;
2570 (ii) a joint or cooperative undertaking as defined in Section 11-13-103; and
2571 (iii) any project, program, or undertaking entered into by interlocal agreement in
2572 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;
2573 (i) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that is
2574 part of an entity described in Subsections [~~(4)~~] (3)(a) through (h), if the entity is considered a
2575 component unit of the entity described in Subsections [~~(4)~~] (3)(a) through (h) under the
2576 governmental accounting standards issued by the Governmental Accounting Standards Board;
2577 and

2578 (j) a conservation district under Title 17D, Chapter 3, Conservation District Act.
2579 [~~(5)~~] (4) (a) "Participating state entity" means the state of Utah, including its executive,
2580 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,
2581 councils, committees, and institutions.
2582 (b) "Participating state entity" includes an entity that is part of an entity described in
2583 Subsection [~~(5)~~] (4)(a), if the entity is considered a component unit of the entity described in
2584 Subsection [~~(5)~~] (4)(a) under the governmental accounting standards issued by the
2585 Governmental Accounting Standards Board.
2586 [~~(6)~~] (5) "Public financial information" means records that are required to be made
2587 available on the Utah Public Finance Website, a participating local entity's website, or an
2588 independent entity's website as required by this part, and as the term "public financial
2589 information" is defined by rule under Section 63A-1-204.
2590 Section 46. Section **63A-1-203** is amended to read:
2591 **63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --**
2592 **Duties.**
2593 (1) There is created within the department the Utah Transparency Advisory Board
2594 comprised of members knowledgeable about public finance or providing public access to
2595 public information.
2596 (2) The board consists of:
2597 (a) the state auditor or the state auditor's designee;
2598 (b) an individual appointed by the executive director of the department;
2599 (c) an individual appointed by the executive director of the Governor's Office of
2600 Management and Budget;
2601 (d) an individual appointed by the governor on advice from the Legislative Fiscal
2602 Analyst;
2603 (e) one member of the Senate, appointed by the governor on advice from the president
2604 of the Senate;
2605 (f) one member of the House of Representatives, appointed by the governor on advice

2606 from the speaker of the House of Representatives;
2607 (g) an individual appointed by the director of the [~~Department~~] Division of Technology
2608 Services;
2609 (h) the director of the Division of Archives and Records Service created in Section
2610 63A-12-101 or the director's designee;
2611 (i) an individual who is a member of the State Records Committee created in Section
2612 63G-2-501, appointed by the governor;
2613 (j) an individual representing counties, appointed by the governor;
2614 (k) an individual representing municipalities, appointed by the governor;
2615 (l) an individual representing special districts, appointed by the governor;
2616 (m) an individual representing the State Board of Education, appointed by the State
2617 Board of Education; and
2618 (n) one individual who is a member of the public and who has knowledge, expertise, or
2619 experience in matters relating to the board's duties under Subsection (10), appointed by the
2620 board members identified in Subsections (2)(a) through (m).
2621 (3) The board shall:
2622 (a) advise the state auditor and the department on matters related to the implementation
2623 and administration of this part;
2624 (b) develop plans, make recommendations, and assist in implementing the provisions
2625 of this part;
2626 (c) determine what public financial information shall be provided by a participating
2627 state entity, independent entity, and participating local entity, if the public financial
2628 information:
2629 (i) only includes records that:
2630 (A) are classified as public under Title 63G, Chapter 2, Government Records Access
2631 and Management Act, or, subject to any specific limitations and requirements regarding the
2632 provision of financial information from the entity described in Section 63A-1-202, if an entity
2633 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,

2634 records that would normally be classified as public if the entity were not exempt from Title
2635 63G, Chapter 2, Government Records Access and Management Act;
2636 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or
2637 revenues, regardless of the source; and
2638 (C) are owned, held, or administered by the participating state entity, independent
2639 entity, or participating local entity that is required to provide the record; and
2640 (ii) is of the type or nature that should be accessible to the public via a website based
2641 on considerations of:
2642 (A) the cost effectiveness of providing the information;
2643 (B) the value of providing the information to the public; and
2644 (C) privacy and security considerations;
2645 (d) evaluate the cost effectiveness of implementing specific information resources and
2646 features on the website;
2647 (e) require participating local entities to provide public financial information in
2648 accordance with the requirements of this part, with a specified content, reporting frequency,
2649 and form;
2650 (f) require an independent entity's website or a participating local entity's website to be
2651 accessible by link or other direct route from the Utah Public Finance Website if the
2652 independent entity or participating local entity does not use the Utah Public Finance Website;
2653 (g) determine the search methods and the search criteria that shall be made available to
2654 the public as part of a website used by an independent entity or a participating local entity
2655 under the requirements of this part, which criteria may include:
2656 (i) fiscal year;
2657 (ii) expenditure type;
2658 (iii) name of the agency;
2659 (iv) payee;
2660 (v) date; and
2661 (vi) amount; and

2662 (h) analyze ways to improve the information on the Utah Public Finance Website so
2663 the information is more relevant to citizens, including through the use of:
2664 (i) infographics that provide more context to the data; and
2665 (ii) geolocation services, if possible.
2666 (4) Every two years, the board shall elect a chair and a vice chair from its members.
2667 (5) (a) Each member shall serve a four-year term.
2668 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
2669 appointed for a four-year term.
2670 (6) To accomplish its duties, the board shall meet as it determines necessary.
2671 (7) Reasonable notice shall be given to each member of the board before any meeting.
2672 (8) A majority of the board constitutes a quorum for the transaction of business.
2673 (9) (a) A member who is not a legislator may not receive compensation or benefits for
2674 the member's service, but may receive per diem and travel expenses as allowed in:
2675 (i) Section 63A-3-106;
2676 (ii) Section 63A-3-107; and
2677 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
2678 63A-3-107.
2679 (b) Compensation and expenses of a member who is a legislator are governed by
2680 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
2681 (10) (a) As used in Subsections (10) and (11):
2682 (i) "Information website" means a single Internet website containing public information
2683 or links to public information.
2684 (ii) "Public information" means records of state government, local government, or an
2685 independent entity that are classified as public under Title 63G, Chapter 2, Government
2686 Records Access and Management Act, or, subject to any specific limitations and requirements
2687 regarding the provision of financial information from the entity described in Section
2688 63A-1-202, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and
2689 Management Act, records that would normally be classified as public if the entity were not

2690 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
2691 (b) The board shall:
2692 (i) study the establishment of an information website and develop recommendations for
2693 its establishment;
2694 (ii) develop recommendations about how to make public information more readily
2695 available to the public through the information website;
2696 (iii) develop standards to make uniform the format and accessibility of public
2697 information posted to the information website; and
2698 (iv) identify and prioritize public information in the possession of a state agency or
2699 political subdivision that may be appropriate for publication on the information website.
2700 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by
2701 principles that encourage:
2702 (i) (A) the establishment of a standardized format of public information that makes the
2703 information more easily accessible by the public;
2704 (B) the removal of restrictions on the reuse of public information;
2705 (C) minimizing limitations on the disclosure of public information while appropriately
2706 safeguarding sensitive information; and
2707 (D) balancing factors in favor of excluding public information from an information
2708 website against the public interest in having the information accessible on an information
2709 website;
2710 (ii) (A) permanent, lasting, open access to public information; and
2711 (B) the publication of bulk public information;
2712 (iii) the implementation of well-designed public information systems that ensure data
2713 quality, create a public, comprehensive list or index of public information, and define a process
2714 for continuous publication of and updates to public information;
2715 (iv) the identification of public information not currently made available online and the
2716 implementation of a process, including a timeline and benchmarks, for making that public
2717 information available online; and

2718 (v) accountability on the part of those who create, maintain, manage, or store public
2719 information or post it to an information website.
2720 (d) The department shall implement the board's recommendations, including the
2721 establishment of an information website, to the extent that implementation:
2722 (i) is approved by the Legislative Management Committee;
2723 (ii) does not require further legislative appropriation; and
2724 (iii) is within the department's existing statutory authority.
2725 (11) The department shall, in consultation with the board and as funding allows,
2726 modify the information website described in Subsection (10) to:
2727 (a) by January 1, 2015, serve as a point of access for Government Records Access and
2728 Management requests for executive agencies;
2729 (b) by January 1, 2016, serve as a point of access for Government Records Access and
2730 Management requests for:
2731 (i) school districts;
2732 (ii) charter schools;
2733 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit
2734 District Act;
2735 (iv) counties; and
2736 (v) municipalities;
2737 (c) by January 1, 2017, serve as a point of access for Government Records Access and
2738 Management requests for:
2739 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local
2740 Districts; and
2741 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;
2742 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing
2743 repositories of public information, including maps, photograph collections, legislatively
2744 required reports, election data, statute, rules, regulations, and local ordinances that exist on
2745 other agency and political subdivision websites;

2746 (e) provide multiple download options in different formats, including nonproprietary,
2747 open formats where possible;
2748 (f) provide any other public information that the board, under Subsection (10),
2749 identifies as appropriate for publication on the information website; and
2750 (g) incorporate technical elements the board identifies as useful to a citizen using the
2751 information website.
2752 (12) (a) The department, in consultation with the board, shall establish by rule any
2753 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on
2754 the website described in Subsection (10) if the inclusion would pose a potential security
2755 concern.
2756 (b) The website described in Subsection (10) may not publish any record that is
2757 classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records
2758 Access and Management Act.
2759 Section 47. Section **63A-2-101** is amended to read:
2760 **63A-2-101. Creation.**
2761 There is created the Division of Purchasing and General Services within the
2762 [~~Department of Administrative Services~~] department.
2763 Section 48. Section **63A-4-101** is amended to read:
2764 **63A-4-101. Risk manager -- Appointment -- Duties.**
2765 (1) (a) There is created within the department the Division of Risk Management.
2766 (b) The executive director shall, with the approval of the governor, appoint a risk
2767 manager as the division director, who shall be qualified by education and experience in the
2768 management of general property and casualty insurance.
2769 (2) The risk manager shall:
2770 (a) acquire and administer the following purchased by the state:
2771 (i) all property, casualty insurance; and
2772 (ii) subject to Section 34A-2-203, workers' compensation insurance;
2773 (b) recommend that the executive director make rules:

2774 (i) prescribing reasonable and objective underwriting and risk control standards for
2775 state agencies;
2776 (ii) prescribing the risks to be covered by the Risk Management Fund and the extent to
2777 which these risks will be covered;
2778 (iii) prescribing the properties, risks, deductibles, and amount limits eligible for
2779 payment out of the fund;
2780 (iv) prescribing procedures for making claims and proof of loss; and
2781 (v) establishing procedures for the resolution of disputes relating to coverage or claims,
2782 which may include binding arbitration;
2783 (c) implement a risk management and loss prevention program for state agencies for
2784 the purpose of reducing risks, accidents, and losses to assist state officers and employees in
2785 fulfilling their responsibilities for risk control and safety;
2786 (d) coordinate and cooperate with any state agency having responsibility to manage and
2787 protect state properties, including:
2788 (i) the state fire marshal;
2789 (ii) the director of the Division of Facilities Construction and Management;
2790 (iii) the Department of Public Safety; and
2791 (iv) institutions of higher education;
2792 (e) maintain records necessary to fulfill the requirements of this section;
2793 (f) manage the fund in accordance with economically and actuarially sound principles
2794 to produce adequate reserves for the payment of contingencies, including unpaid and
2795 unreported claims, and may purchase any insurance or reinsurance considered necessary to
2796 accomplish this objective; and
2797 (g) inform the agency's governing body and the governor when any agency fails or
2798 refuses to comply with reasonable risk control recommendations made by the risk manager.
2799 (3) Before the effective date of any rule, the risk manager shall provide a copy of the
2800 rule to each agency affected by it.
2801 Section 49. Section **63A-5b-202** is amended to read:

2802 **63A-5b-202. State Building Board powers and duties.**
2803 (1) The board may, in accordance with Title 63G, Chapter 3, Utah Administrative
2804 Rulemaking Act, make rules that are necessary to discharge the board's duties.
2805 (2) The board shall:
2806 (a) review and approve agency master plans of structures built or contemplated;
2807 (b) submit capital development recommendations and priorities to the Legislature as
2808 [~~set forth~~] described in Section 63A-5b-402;
2809 (c) submit recommendations for dedicated projects and prioritize nondedicated projects
2810 as provided in Section 63A-5b-403;
2811 (d) make a finding that the requirements of Section 53B-2a-112 are met before the
2812 board may consider a funding request from the UTech board pertaining to new capital facilities
2813 and land purchases; and
2814 (e) fulfill the board's responsibilities under:
2815 (i) Section 63A-5b-802, relating to the approval of leases with terms of more than 10
2816 years;
2817 (ii) Section 63A-5b-907, relating to vacant division-owned property; and
2818 (iii) Section 63A-5b-1003, relating to the approval of loans from the state facility
2819 energy efficiency fund.
2820 (3) The board may:
2821 (a) authorize capital development projects without Legislative approval only as
2822 authorized in Section 63A-5b-404; and
2823 (b) make rules relating to the categorical delegation of projects as provided in
2824 Subsection 63A-5b-604(4).
2825 Section 50. Section **63A-9-101** is amended to read:
2826 **63A-9-101. Definitions.**
2827 As used in this part:
2828 (1) (a) "Agency" means each department, commission, board, council, agency,
2829 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

2830 unit, bureau, panel, or other administrative unit of the state.
2831 (b) "Agency" includes the State Board of Education and each higher education
2832 institution described in Section 53B-1-102.
2833 (c) "Agency" includes the legislative and judicial branches.
2834 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.
2835 (3) "Director" means the director of the division.
2836 (4) "Division" means the Division of Fleet Operations created by this chapter.
2837 (5) "Executive director" means the executive director of the Department of
2838 [~~Administrative Services~~] Government Operations.
2839 (6) "Local agency" means:
2840 (a) a county;
2841 (b) a municipality;
2842 (c) a school district;
2843 (d) a local district;
2844 (e) a special service district;
2845 (f) an interlocal entity as defined under Section 11-13-103; or
2846 (g) any other political subdivision of the state, including a local commission, board, or
2847 other governmental entity that is vested with the authority to make decisions regarding the
2848 public's business.
2849 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.
2850 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation
2851 purposes.
2852 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of
2853 an agency.
2854 Section 51. Section **63A-9-201** is amended to read:
2855 **63A-9-201. Creation.**
2856 (1) There is created the Division of Fleet Operations within the [~~Department of~~
2857 ~~Administrative Services~~] department.

2858 (2) The division of fleet operations is an internal service fund agency and its financial
2859 affairs shall be accounted for as an internal service fund.
2860 Section 52. Section **63A-9-301** is amended to read:
2861 **63A-9-301. Motor Vehicle Review Committee -- Composition.**
2862 (1) There is created a Motor Vehicle Review Committee to advise the division.
2863 (2) The committee shall be composed of nine members as follows:
2864 (a) the executive director of the [~~Department of Administrative Services~~] department or
2865 the director's designee;
2866 (b) a member from a state agency other than higher education, the Department of
2867 Transportation, the Department of Public Safety, or the Department of Natural Resources, who
2868 uses the division's services;
2869 (c) the director of the Division of Purchasing and General Services or the director's
2870 designee;
2871 (d) one member from:
2872 (i) higher education, designated annually by the executive director of the Department
2873 of [~~Administrative Services~~] Government Operations;
2874 (ii) the Department of Transportation, designated annually by the executive director of
2875 the Department of [~~Administrative Services~~] Government Operations;
2876 (iii) the Department of Public Safety, designated annually by the executive director of
2877 the Department of [~~Administrative Services~~] Government Operations; and
2878 (iv) the Department of Natural Resources, designated annually by the executive
2879 director of the Department of [~~Administrative Services~~] Government Operations; and
2880 (e) two public members with experience in fleet operations and maintenance appointed
2881 by the governor.
2882 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public
2883 member to a four-year term.
2884 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
2885 time of appointment, adjust the length of terms to ensure that the terms of public members are

2886 staggered so that one of the public members is appointed every two years.
2887 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
2888 appointed for the unexpired term.
2889 (4) A member may not receive compensation or benefits for the member's service, but
2890 may receive per diem and travel expenses in accordance with:
2891 (a) Section 63A-3-106;
2892 (b) Section 63A-3-107; and
2893 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2894 63A-3-107.
2895 (5) Five members of the committee are a quorum.
2896 (6) The executive director of the Department of [~~Administrative Services~~] Government
2897 Operations is chair of the committee.
2898 Section 53. Section **63A-9-401** is amended to read:
2899 **63A-9-401. Division -- Duties.**
2900 (1) The division shall:
2901 (a) perform all administrative duties and functions related to management of state
2902 vehicles;
2903 (b) coordinate all purchases of state vehicles;
2904 (c) establish one or more fleet automation and information systems for state vehicles;
2905 (d) make rules establishing requirements for:
2906 (i) maintenance operations for state vehicles;
2907 (ii) use requirements for state vehicles;
2908 (iii) fleet safety and loss prevention programs;
2909 (iv) preventative maintenance programs;
2910 (v) procurement of state vehicles, including:
2911 (A) vehicle standards;
2912 (B) alternative fuel vehicle requirements;
2913 (C) short-term lease programs;

2914 (D) equipment installation; and
2915 (E) warranty recovery programs;
2916 (vi) fuel management programs;
2917 (vii) cost management programs;
2918 (viii) business and personal use practices, including commute standards;
2919 (ix) cost recovery and billing procedures;
2920 (x) disposal of state vehicles;
2921 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
2922 (xii) standard use and rate structures for state vehicles; and
2923 (xiii) insurance and risk management requirements;
2924 (e) establish a parts inventory;
2925 (f) create and administer a fuel dispensing services program that meets the
2926 requirements of Subsection (2);
2927 (g) emphasize customer service when dealing with agencies and agency employees;
2928 (h) conduct an annual audit of all state vehicles for compliance with division
2929 requirements;
2930 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
2931 subscriber of services other than an executive branch agency:
2932 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
2933 in Section 63A-1-114; and
2934 (ii) obtain the approval of the Legislature as required by Section 63J-1-410; and
2935 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
2936 include a comparison of the division's rates and fees with the fees of other public or private
2937 sector providers where comparable services and rates are reasonably available.
2938 (2) The division shall operate a fuel dispensing services program in a manner that:
2939 (a) reduces the risk of environmental damage and subsequent liability for leaks
2940 involving state-owned underground storage tanks;
2941 (b) eliminates fuel site duplication and reduces overall costs associated with fuel

2942 dispensing;
2943 (c) provides efficient fuel management and efficient and accurate accounting of
2944 fuel-related expenses;
2945 (d) where practicable, privatizes portions of the state's fuel dispensing system;
2946 (e) provides central planning for fuel contingencies;
2947 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
2948 reflect usage patterns;
2949 (g) where practicable, uses alternative sources of energy; and
2950 (h) provides safe, accessible fuel supplies in an emergency.
2951 (3) The division shall:
2952 (a) ensure that the state and each of its agencies comply with state and federal law and
2953 state and federal rules and regulations governing underground storage tanks;
2954 (b) coordinate the installation of new state-owned underground storage tanks and the
2955 upgrading or retrofitting of existing underground storage tanks;
2956 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for
2957 a rebate, provided under Subsection 19-6-410.5(5)(d), of a portion of the environmental
2958 assurance fee described in Subsection 19-6-410.5(4), if the underground storage tank is owned
2959 by:
2960 (i) the state;
2961 (ii) a state agency; or
2962 (iii) a county, municipality, school district, local district, special service district, or
2963 federal agency that has subscribed to the fuel dispensing service provided by the division under
2964 Subsection (6)(b);
2965 (d) report to the Natural Resources, Agriculture, and Environmental Quality
2966 Appropriations Subcommittee by no later than:
2967 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and
2968 (ii) November 30, 2024, on whether:
2969 (A) the requirements of Subsection (3)(c) have been met; and

2970 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);
2971 and
2972 (e) ensure that counties, municipalities, school districts, local districts, and special
2973 service districts subscribing to services provided by the division sign a contract that:
2974 (i) establishes the duties and responsibilities of the parties;
2975 (ii) establishes the cost for the services; and
2976 (iii) defines the liability of the parties.
2977 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to
2978 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and
2979 (ii).
2980 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2981 the director of the Division of Fleet Operations:
2982 (i) may make rules governing fuel dispensing; and
2983 (ii) shall make rules establishing standards and procedures for purchasing the most
2984 economically appropriate size and type of vehicle for the purposes and driving conditions for
2985 which the vehicle will be used, including procedures for granting exceptions to the standards
2986 by the executive director of the Department of [~~Administrative Services~~] Government
2987 Operations.
2988 (b) Rules made under Subsection (5)(a)(ii):
2989 (i) shall designate a standard vehicle size and type that shall be designated as the
2990 statewide standard vehicle for fleet expansion and vehicle replacement;
2991 (ii) may designate different standard vehicle size and types based on defined categories
2992 of vehicle use;
2993 (iii) may, when determining a standard vehicle size and type for a specific category of
2994 vehicle use, consider the following factors affecting the vehicle class:
2995 (A) size requirements;
2996 (B) economic savings;
2997 (C) fuel efficiency;

2998 (D) driving and use requirements;
2999 (E) safety;
3000 (F) maintenance requirements;
3001 (G) resale value; and
3002 (H) the requirements of Section 63A-9-403; and
3003 (iv) shall require agencies that request a vehicle size and type that is different from the
3004 standard vehicle size and type to:
3005 (A) submit a written request for a nonstandard vehicle to the division that contains the
3006 following:
3007 (I) the make and model of the vehicle requested, including acceptable alternate vehicle
3008 makes and models as applicable;
3009 (II) the reasons justifying the need for a nonstandard vehicle size or type;
3010 (III) the date of the request; and
3011 (IV) the name and signature of the person making the request; and
3012 (B) obtain the division's written approval for the nonstandard vehicle.
3013 (6) (a) (i) Each state agency and each higher education institution shall subscribe to the
3014 fuel dispensing services provided by the division.
3015 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
3016 systems, or products other than those provided by the division.
3017 (b) Counties, municipalities, school districts, local districts, special service districts,
3018 and federal agencies may subscribe to the fuel dispensing services provided by the division if:
3019 (i) the county or municipal legislative body, the school district, or the local district or
3020 special service district board recommends that the county, municipality, school district, local
3021 district, or special service district subscribe to the fuel dispensing services of the division; and
3022 (ii) the division approves participation in the program by that government unit.
3023 (7) The director, with the approval of the executive director, may delegate functions to
3024 institutions of higher education, by contract or other means authorized by law, if:
3025 (a) the agency or institution of higher education has requested the authority;

3026 (b) in the judgment of the director, the state agency or institution has the necessary
3027 resources and skills to perform the delegated responsibilities; and
3028 (c) the delegation of authority is in the best interest of the state and the function
3029 delegated is accomplished according to provisions contained in law or rule.
3030 Section 54. Section **63A-9-501** is amended to read:
3031 **63A-9-501. Complaints about misuse or illegal operation of state vehicles --**
3032 **Disposition.**
3033 (1) The division shall refer complaints from the public about misuse or illegal
3034 operation of state vehicles to the agency that is the owner or lessor of the vehicle.
3035 (2) Each agency head or his designee shall investigate all complaints about misuse or
3036 illegal operation of state vehicles and shall discipline each employee that is found to have
3037 misused or illegally operated a vehicle by following the procedures set forth in the rules
3038 adopted by the [~~Department~~] Division of Human Resource Management as authorized by
3039 Section [~~67-19-18~~] 63A-17-306.
3040 (3) (a) Each agency shall report the findings of each investigation conducted as well as
3041 any action taken as a result of the investigation to the directors of the Divisions of Fleet
3042 Operations and Risk Management.
3043 (b) Misuse or illegal operation of state vehicles may result in suspension or revocation
3044 of state vehicle driving privileges as governed in rule.
3045 Section 55. Section **63A-12-101** is amended to read:
3046 **63A-12-101. Division of Archives and Records Service created -- Duties.**
3047 (1) There is created the Division of Archives and Records Service within the
3048 [~~Department of Administrative Services~~] department.
3049 (2) The state archives shall:
3050 (a) administer the state's archives and records management programs, including storage
3051 of records, central microphotography programs, and quality control;
3052 (b) apply fair, efficient, and economical management methods to the collection,
3053 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and

3054 documents;
3055 (c) establish standards, procedures, and techniques for the effective management and
3056 physical care of records;
3057 (d) conduct surveys of office operations and recommend improvements in current
3058 records management practices, including the use of space, equipment, automation, and supplies
3059 used in creating, maintaining, storing, and servicing records;
3060 (e) establish standards for the preparation of schedules providing for the retention of
3061 records of continuing value and for the prompt and orderly disposal of state records no longer
3062 possessing sufficient administrative, historical, legal, or fiscal value to warrant further
3063 retention;
3064 (f) establish, maintain, and operate centralized microphotography lab facilities and
3065 quality control for the state;
3066 (g) provide staff and support services to the Records Management Committee created
3067 in Section 63A-12-112 and the State Records Committee created in Section 63G-2-501;
3068 (h) develop training programs to assist records officers and other interested officers and
3069 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,
3070 Government Records Access and Management Act;
3071 (i) provide access to public records deposited in the archives;
3072 (j) administer and maintain the Utah Public Notice Website established under Section
3073 [~~63F-1-701~~] 63A-16-601;
3074 (k) provide assistance to any governmental entity in administering this chapter and
3075 Title 63G, Chapter 2, Government Records Access and Management Act;
3076 (l) prepare forms for use by all governmental entities for a person requesting access to
3077 a record; and
3078 (m) if the department operates the Division of Archives and Records Service as an
3079 internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate
3080 Committee established in Section 63A-1-114:
3081 (i) the proposed rate and fee schedule as required by Section 63A-1-114; and

3082 (ii) other information or analysis requested by the Rate Committee.
3083 (3) The state archives may:
3084 (a) establish a report and directives management program; and
3085 (b) establish a forms management program.
3086 (4) The executive director [~~of the Department of Administrative Services~~] may direct
3087 the state archives to administer other functions or services consistent with this chapter and Title
3088 63G, Chapter 2, Government Records Access and Management Act.
3089 Section 56. Section **63A-12-102** is amended to read:
3090 **63A-12-102. State archivist -- Duties.**
3091 (1) With the approval of the governor, the executive director [~~of the Department of~~
3092 ~~Administrative Services~~] shall appoint the state archivist to serve as director of the state
3093 archives. The state archivist shall be qualified by archival training, education, and experience.
3094 (2) The state archivist is charged with custody of the following:
3095 (a) the enrolled copy of the Utah constitution;
3096 (b) the acts and resolutions passed by the Legislature;
3097 (c) all records kept or deposited with the state archivist as provided by law;
3098 (d) the journals of the Legislature and all bills, resolutions, memorials, petitions, and
3099 claims introduced in the Senate or the House of Representatives;
3100 (e) Indian war records; and
3101 (f) oaths of office of all state officials.
3102 (3) (a) The state archivist is the official custodian of all noncurrent records of
3103 permanent or historic value that are not required by law to remain in the custody of the
3104 originating governmental entity.
3105 (b) Upon the termination of any governmental entity, its records shall be transferred to
3106 the state archives.
3107 Section 57. Section **63A-12-103** is amended to read:
3108 **63A-12-103. Duties of governmental entities.**
3109 The chief administrative officer of each governmental entity shall:

3110 (1) establish and maintain an active, continuing program for the economical and
3111 efficient management of the governmental entity's records as provided by this chapter and Title
3112 63G, Chapter 2, Government Records Access and Management Act;
3113 (2) appoint one or more records officers who will be trained to work with the state
3114 archives in the care, maintenance, scheduling, disposal, classification, designation, access, and
3115 preservation of records;
3116 (3) ensure that officers and employees of the governmental entity that receive or
3117 process records requests receive required training on the procedures and requirements of this
3118 chapter and Title 63G, Chapter 2, Government Records Access and Management Act;
3119 (4) make and maintain adequate and proper documentation of the organization,
3120 functions, policies, decisions, procedures, and essential transactions of the governmental entity
3121 designed to furnish information to protect the legal and financial rights of persons directly
3122 affected by the entity's activities;
3123 (5) submit to the state archivist proposed schedules of records for final approval by the
3124 Records Management Committee created in Section 63A-12-112;
3125 (6) cooperate with the state archivist in conducting surveys made by the state archivist;
3126 (7) comply with rules issued by the Department of [~~Administrative Services~~]
3127 Government Operations as provided by Section 63A-12-104;
3128 (8) report to the state archives the designation of record series that it maintains;
3129 (9) report to the state archives the classification of each record series that is classified;
3130 and
3131 (10) establish and report to the state archives retention schedules for objects that the
3132 governmental entity determines are not defined as a record under Section 63G-2-103, but that
3133 have historical or evidentiary value.
3134 Section 58. Section **63A-12-104** is amended to read:
3135 **63A-12-104. Rulemaking authority.**
3136 (1) The executive director of the [~~Department of Administrative Services~~] department,
3137 with the recommendation of the state archivist, may make rules as provided by Title 63G,

3138 Chapter 3, Utah Administrative Rulemaking Act, to implement provisions of this chapter and
3139 Title 63G, Chapter 2, Government Records Access and Management Act, dealing with
3140 procedures for the collection, storage, designation, classification, access, mediation for records
3141 access, and management of records.
3142 (2) A governmental entity that includes divisions, boards, departments, committees,
3143 commissions, or other subparts that fall within the definition of a governmental entity under
3144 this chapter, may, by rule, specify at which level the requirements specified in this chapter shall
3145 be undertaken.
3146 Section 59. Section **63A-13-201** is amended to read:
3147 **63A-13-201. Creation of office -- Inspector general -- Appointment -- Term.**
3148 (1) There is created an independent entity within the [~~Department of Administrative~~
3149 ~~Services~~] department known as the "Office of Inspector General of Medicaid Services."
3150 (2) The governor shall:
3151 (a) appoint the inspector general of Medicaid services with the advice and consent of
3152 the Senate; and
3153 (b) establish the salary for the inspector general of Medicaid services based upon a
3154 recommendation from the [~~Department~~] Division of Human Resource Management which shall
3155 be based on a market salary survey conducted by the [~~Department~~] Division of Human
3156 Resource Management.
3157 (3) A person appointed as the inspector general shall have the following qualifications:
3158 (a) a general knowledge of the type of methodology and controls necessary to audit,
3159 investigate, and identify fraud, waste, and abuse;
3160 (b) strong management skills;
3161 (c) extensive knowledge of performance audit methodology;
3162 (d) the ability to oversee and execute an audit; and
3163 (e) strong interpersonal skills.
3164 (4) The inspector general of Medicaid services:
3165 (a) shall serve a term of four years; and

3166 (b) may be removed by the governor, for cause.
3167 (5) If the inspector general is removed for cause, a new inspector general shall be
3168 appointed, with the advice and consent of the Senate, to serve the remainder of the term of the
3169 inspector general of Medicaid services who was removed for cause.
3170 (6) The Office of Inspector General of Medicaid Services:
3171 (a) is not under the supervision of, and does not take direction from, the executive
3172 director, except for administrative purposes;
3173 (b) shall use the legal services of the state attorney general's office;
3174 (c) shall submit a budget for the office directly to the [~~Department of Administrative~~
3175 ~~Services~~] department;
3176 (d) except as prohibited by federal law, is subject to:
3177 (i) Title 51, Chapter 5, Funds Consolidation Act;
3178 (ii) Title 51, Chapter 7, State Money Management Act;
3179 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;
3180 (iv) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
3181 (v) Title 63G, Chapter 4, Administrative Procedures Act;
3182 (vi) Title 63G, Chapter 6a, Utah Procurement Code;
3183 (vii) Title 63J, Chapter 1, Budgetary Procedures Act;
3184 (viii) Title 63J, Chapter 2, Revenue Procedures and Control Act;
3185 (ix) [~~Title 67, Chapter 19~~] Chapter 17, Utah State Personnel Management Act;
3186 (x) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
3187 (xi) Title 52, Chapter 4, Open and Public Meetings Act;
3188 (xii) Title 63G, Chapter 2, Government Records Access and Management Act; and
3189 (xiii) coverage under the Risk Management Fund created under Section 63A-4-201;
3190 (e) when requested, shall provide reports to the governor, the president of the Senate,
3191 or the speaker of the House; and
3192 (f) shall adopt administrative rules to establish policies for employees that are
3193 substantially similar to the administrative rules adopted by the [~~Department~~] Division of

3194 Human Resource Management.

3195 Section 60. Section **63A-16-101**, which is renumbered from Section 63F-1-101 is
3196 renumbered and amended to read:

3197 **CHAPTER 16. UTAH TECHNOLOGY GOVERNANCE ACT**

3198 **Part 1. General Provisions**

3199 **[~~63F-1-101~~]. 63A-16-101. Title.**

3200 [~~(1)~~] This [~~title~~] chapter is known as the "Utah Technology Governance Act."

3201 [~~(2) This chapter is known as the "Department of Technology Services."~~]

3202 Section 61. Section **63A-16-102**, which is renumbered from Section 63F-1-102 is
3203 renumbered and amended to read:

3204 **[~~63F-1-102~~]. 63A-16-102. Definitions.**

3205 As used in this [~~title~~] chapter:

3206 (1) "Chief information officer" means the chief information officer appointed under
3207 Section [~~63F-1-201~~] 63A-16-201.

3208 (2) "Data center" means a centralized repository for the storage, management, and
3209 dissemination of data.

3210 (3) [~~"Department" means the Department~~] "Division" means the Division of
3211 Technology Services.

3212 (4) "Enterprise architecture" means:

3213 (a) information technology that can be applied across state government; and

3214 (b) support for information technology that can be applied across state government,
3215 including:

3216 (i) technical support;

3217 (ii) master software licenses; and

3218 (iii) hardware and software standards.

3219 (5) (a) "Executive branch agency" means an agency or administrative subunit of state
3220 government.

3221 (b) "Executive branch agency" does not include:

3222 (i) the legislative branch;
3223 (ii) the judicial branch;
3224 (iii) the State Board of Education;
3225 (iv) the Utah Board of Higher Education;
3226 (v) institutions of higher education;
3227 (vi) independent entities as defined in Section 63E-1-102; [~~and~~] or
3228 (vii) the following elective constitutional offices of the executive department [~~which~~
3229 ~~includes~~]:
3230 (A) the state auditor;
3231 (B) the state treasurer; and
3232 (C) the attorney general.
3233 (6) "Executive branch strategic plan" means the executive branch strategic plan created
3234 under Section [~~63F-1-203~~] 63A-16-202.
3235 (7) "Individual with a disability" means an individual with a condition that meets the
3236 definition of "disability" in 42 U.S.C. Sec. 12102.
3237 (8) "Information technology" means all computerized and auxiliary automated
3238 information handling, including:
3239 (a) systems design and analysis;
3240 (b) acquisition, storage, and conversion of data;
3241 (c) computer programming;
3242 (d) information storage and retrieval;
3243 (e) voice, video, and data communications;
3244 (f) requisite systems controls;
3245 (g) simulation; and
3246 (h) all related interactions between people and machines.
3247 (9) "State information architecture" means a logically consistent set of principles,
3248 policies, and standards that guide the engineering of state government's information technology
3249 and infrastructure in a way that ensures alignment with state government's business and service

3250 needs.

3251 Section 62. Section **63A-16-103**, which is renumbered from Section 63F-1-103 is
3252 renumbered and amended to read:

3253 **[~~63F-1-103~~]. 63A-16-103. Division of Technology Services.**

3254 (1) There is created within [~~state government the Department~~] the department the
3255 Division of Technology Services [~~which has all of the policymaking functions, regulatory and~~
3256 ~~enforcement powers, rights, duties, and responsibilities outlined in this title~~].

3257 (2) The [~~department~~] division has authority to operate as an internal service fund
3258 agency as provided in Section 63J-1-410.

3259 Section 63. Section **63A-16-104**, which is renumbered from Section 63F-1-104 is
3260 renumbered and amended to read:

3261 **[~~63F-1-104~~]. 63A-16-104. Duties of division.**

3262 The [~~department~~] division shall:

3263 (1) lead state executive branch agency efforts to establish and reengineer the state's
3264 information technology architecture with the goal of coordinating central and individual agency
3265 information technology in a manner that:

3266 (a) ensures compliance with the executive branch agency strategic plan; and

3267 (b) ensures that cost-effective, efficient information and communication systems and
3268 resources are being used by agencies to:

3269 (i) reduce data, hardware, and software redundancy;

3270 (ii) improve system interoperability and data accessibility between agencies; and

3271 (iii) meet the agency's and user's business and service needs;

3272 (2) coordinate an executive branch strategic plan for all agencies;

3273 (3) develop and implement processes to replicate information technology best practices
3274 and standards throughout the executive branch;

3275 (4) at least once every odd-numbered year:

3276 (a) evaluate the adequacy of the [~~department's~~] division's and the executive branch
3277 agencies' data and information technology system security standards through an independent

3278 third party assessment; and
3279 (b) communicate the results of the independent third party assessment to the
3280 appropriate executive branch agencies and to the president of the Senate and the speaker of the
3281 House of Representatives;
3282 (5) oversee the expanded use and implementation of project and contract management
3283 principles as they relate to information technology projects within the executive branch;
3284 (6) serve as general contractor between the state's information technology users and
3285 private sector providers of information technology products and services;
3286 (7) work toward building stronger partnering relationships with providers;
3287 (8) develop service level agreements with executive branch departments and agencies
3288 to ensure quality products and services are delivered on schedule and within budget;
3289 (9) develop standards for application development including a standard methodology
3290 and cost-benefit analysis that all agencies shall utilize for application development activities;
3291 (10) determine and implement statewide efforts to standardize data elements;
3292 (11) coordinate with executive branch agencies to provide basic website standards for
3293 agencies that address common design standards and navigation standards, including:
3294 (a) accessibility for individuals with disabilities in accordance with:
3295 (i) the standards of 29 U.S.C. Sec. 794d; and
3296 (ii) Section [~~63F-1-210~~] 63A-16-209;
3297 (b) consistency with standardized government security standards;
3298 (c) designing around user needs with data-driven analysis influencing management and
3299 development decisions, using qualitative and quantitative data to determine user goals, needs,
3300 and behaviors, and continual testing of the website, web-based form, web-based application, or
3301 digital service to ensure that user needs are addressed;
3302 (d) providing users of the website, web-based form, web-based application, or digital
3303 service with the option for a more customized digital experience that allows users to complete
3304 digital transactions in an efficient and accurate manner; and
3305 (e) full functionality and usability on common mobile devices;

3306 (12) consider, when making a purchase for an information system, cloud computing
3307 options, including any security benefits, privacy, data retention risks, and cost savings
3308 associated with cloud computing options;
3309 (13) develop systems and methodologies to review, evaluate, and prioritize existing
3310 information technology projects within the executive branch and report to the governor and the
3311 Public Utilities, Energy, and Technology Interim Committee in accordance with [~~63F-1-201~~]
3312 Section 63A-16-201 on a semiannual basis regarding the status of information technology
3313 projects;
3314 (14) assist the Governor's Office of Management and Budget with the development of
3315 information technology budgets for agencies; and
3316 (15) ensure that any training or certification required of a public official or public
3317 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
3318 22, State Training and Certification Requirements, if the training or certification is required:
3319 (a) under this [~~title~~] chapter;
3320 (b) by the department; or
3321 (c) by [~~an agency or division within the department~~] the division.
3322 Section 64. Section **63A-16-105**, which is renumbered from Section 63F-1-106 is
3323 renumbered and amended to read:
3324 **[~~63F-1-106~~]. 63A-16-105. Director -- Authority.**
3325 [~~(1) The executive director of the department:~~]
3326 (1) The executive director shall, with the approval of the governor, appoint the
3327 director.
3328 (2) The director:
3329 (a) shall exercise all powers given to, and perform all duties imposed on, the division;
3330 [~~(a)~~] (b) has administrative jurisdiction over [~~each office in the department and the~~
3331 ~~director of each office~~] the division and each office within the division;
3332 [~~(b)~~] (c) may make changes in [~~department~~] division personnel and [~~each office's~~]
3333 service functions [~~in the divisions~~] under the director's administrative jurisdiction; and

3334 [~~(c)~~] (d) may authorize a designee to perform appropriate responsibilities.
3335 (2) The [~~executive~~] director may, to facilitate [~~department~~] division management,
3336 establish offices and bureaus to perform division functions [~~such as budgeting, planning, and~~
3337 ~~personnel administration~~].
3338 (3) (a) The [~~executive~~] director may hire employees in the [~~department, divisions,~~]
3339 division and offices of the division as permitted by [~~department~~] division resources.
3340 (b) Except as provided in Subsection (4), each employee of the [~~department~~] division is
3341 exempt from career service or classified service status as provided in Section [~~67-19-15~~]
3342 63A-17-301.
3343 (4) (a) An employee of an executive branch agency who was a career service employee
3344 as of July 1, 2005, who [~~is~~] was transferred to the division at the time it was newly created as
3345 the Department of Technology Services continues in the employee's career service status
3346 during the employee's service to the [~~Department of Technology Services~~] division if the duties
3347 of the position in the [~~new department~~] division are substantially similar to those in the
3348 employee's previous position.
3349 (b) A career service employee transferred [~~to the new department~~] under the provisions
3350 of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be
3351 converted to exempt status without the review process required by Subsection [~~67-19-15~~]
3352 63A-17-301(3).
3353 Section 65. Section **63A-16-106**, which is renumbered from Section 63F-1-107 is
3354 renumbered and amended to read:
3355 **[~~63F-1-107~~]. 63A-16-106. Offices within the division -- Administration.**
3356 (1) The [~~department shall be composed of~~] division includes the following [~~divisions~~]
3357 offices:
3358 (a) the [~~Division~~] Office of Enterprise Technology;
3359 (b) the [~~Division~~] Office of Integrated Technology; and
3360 (c) the [~~Division~~] Office of Agency Services.
3361 (2) Each [~~division~~] office shall be administered and managed by a [~~division~~] director.

3362 Section 66. Section **63A-16-201**, which is renumbered from Section 63F-1-201 is
3363 renumbered and amended to read:
3364 **Part 2. Chief Information Officer**
3365 **[~~63F-1-201~~]. 63A-16-201. Chief information officer -- Appointment --**
3366 **Powers -- Reporting.**
3367 (1) The director of the [~~department~~] division shall serve as the state's chief information
3368 officer.
3369 (2) The chief information officer shall:
3370 (a) advise the governor on information technology policy; and
3371 (b) perform those duties given the chief information officer by statute.
3372 (3) (a) The chief information officer shall report annually to:
3373 (i) the governor; and
3374 (ii) the Public Utilities, Energy, and Technology Interim Committee.
3375 (b) The report required under Subsection (3)(a) shall:
3376 (i) summarize the state's current and projected use of information technology;
3377 (ii) summarize the executive branch strategic plan including a description of major
3378 changes in the executive branch strategic plan;
3379 (iii) provide a brief description of each state agency's information technology plan;
3380 (iv) include the status of information technology projects described in Subsection
3381 [~~63F-1-104~~] 63A-16-104(11);
3382 (v) include the performance report described in Section [~~63F-1-212~~] 63A-16-211; and
3383 (vi) include the expenditure of the funds provided for electronic technology,
3384 equipment, and hardware.
3385 Section 67. Section **63A-16-202**, which is renumbered from Section 63F-1-203 is
3386 renumbered and amended to read:
3387 **[~~63F-1-203~~]. 63A-16-202. Executive branch information technology**
3388 **strategic plan.**
3389 (1) In accordance with this section, the chief information officer shall prepare an

3390 executive branch information technology strategic plan:
3391 (a) that complies with this chapter; and
3392 (b) that includes:
3393 (i) a strategic plan for the:
3394 (A) interchange of information related to information technology between executive
3395 branch agencies;
3396 (B) coordination between executive branch agencies in the development and
3397 maintenance of information technology and information systems, including the coordination of
3398 agency information technology plans described in Section [~~63F-1-204~~] 63A-16-203; and
3399 (C) protection of the privacy of individuals who use state information technology or
3400 information systems, including the implementation of industry best practices for data and
3401 system security;
3402 (ii) priorities for the development and implementation of information technology or
3403 information systems including priorities determined on the basis of:
3404 (A) the importance of the information technology or information system; and
3405 (B) the time sequencing of the information technology or information system; and
3406 (iii) maximizing the use of existing state information technology resources.
3407 (2) In the development of the executive branch strategic plan, the chief information
3408 officer shall consult with all cabinet level officials.
3409 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance
3410 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on
3411 which the executive branch strategic plan is submitted to:
3412 (i) the governor; and
3413 (ii) the Public Utilities, Energy, and Technology Interim Committee.
3414 (b) The chief information officer or the governor may withdraw the executive branch
3415 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer
3416 determines that the executive branch strategic plan:
3417 (i) should be modified; or

3418 (ii) for any other reason should not take effect.
3419 (c) The Public Utilities, Energy, and Technology Interim Committee may make
3420 recommendations to the governor and to the chief information officer if the commission
3421 determines that the executive branch strategic plan should be modified or for any other reason
3422 should not take effect.
3423 (d) Modifications adopted by the chief information officer shall be resubmitted to the
3424 governor and the Public Utilities, Energy, and Technology Interim Committee for their review
3425 or approval as provided in Subsections (3)(a) and (b).
3426 (4) (a) The chief information officer shall annually, on or before January 1, [~~2014, and~~
3427 ~~each year thereafter,~~] modify the executive branch information technology strategic plan to
3428 incorporate security standards that:
3429 (i) are identified as industry best practices in accordance with Subsections [~~63F-1-104~~]
3430 63A-16-104(3) and (4); and
3431 (ii) can be implemented within the budget of the department or the executive branch
3432 agencies.
3433 (b) The chief information officer shall inform the speaker of the House of
3434 Representatives and the president of the Senate on or before January 1 of each year if best
3435 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered
3436 under Subsection (4)(a)(ii).
3437 (5) Each executive branch agency shall implement the executive branch strategic plan
3438 by adopting an agency information technology plan in accordance with Section [~~63F-1-204~~]
3439 63A-16-203.
3440 Section 68. Section **63A-16-203**, which is renumbered from Section 63F-1-204 is
3441 renumbered and amended to read:
3442 **[~~63F-1-204~~]. 63A-16-203. Agency information technology plans.**
3443 (1) (a) [~~By~~] On or before July 1 [~~of~~] each year, each executive branch agency shall
3444 submit an agency information technology plan to the chief information officer at the
3445 department level, unless the governor or the chief information officer request an information

3446 technology plan be submitted by a subunit of a department, or by an executive branch agency
3447 other than a department.
3448 (b) The information technology plans required by this section shall be in the form and
3449 level of detail required by the chief information officer, by administrative rule adopted in
3450 accordance with Section [~~63F-1-206~~] 63A-16-205, and shall include, at least:
3451 (i) the information technology objectives of the agency;
3452 (ii) any performance measures used by the agency for implementing the agency's
3453 information technology objectives;
3454 (iii) any planned expenditures related to information technology;
3455 (iv) the agency's need for appropriations for information technology;
3456 (v) how the agency's development of information technology coordinates with other
3457 state and local governmental entities;
3458 (vi) any efforts the agency has taken to develop public and private partnerships to
3459 accomplish the information technology objectives of the agency;
3460 (vii) the efforts the executive branch agency has taken to conduct transactions
3461 electronically in compliance with Section 46-4-503; and
3462 (viii) the executive branch agency's plan for the timing and method of verifying the
3463 department's security standards, if an agency intends to verify the department's security
3464 standards for the data that the agency maintains or transmits through the department's servers.
3465 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan
3466 described in Subsection (1) shall comply with the executive branch strategic plan established in
3467 accordance with Section [~~63F-1-203~~] 63A-16-202.
3468 (b) If the executive branch agency submitting the agency information technology plan
3469 justifies the need to depart from the executive branch strategic plan, an agency information
3470 technology plan may depart from the executive branch strategic plan to the extent approved by
3471 the chief information officer.
3472 (3) The chief information officer shall review each agency plan to determine:
3473 (a) (i) whether the agency plan complies with the executive branch strategic plan and

3474 state information architecture; or
3475 (ii) to the extent that the agency plan does not comply with the executive branch
3476 strategic plan or state information architecture, whether the executive branch entity is justified
3477 in departing from the executive branch strategic plan, or state information architecture; and
3478 (b) whether the agency plan meets the information technology and other needs of:
3479 (i) the executive branch agency submitting the plan; and
3480 (ii) the state.
3481 (4) After the chief information officer conducts the review described in Subsection (3)
3482 of an agency information technology plan, the chief information officer may:
3483 (a) approve the agency information technology plan;
3484 (b) disapprove the agency information technology plan; or
3485 (c) recommend modifications to the agency information technology plan.
3486 (5) An executive branch agency or the department may not submit a request for
3487 appropriation related to information technology or an information technology system to the
3488 governor in accordance with Section 63J-1-201 until after the executive branch agency's
3489 information technology plan is approved by the chief information officer.
3490 Section 69. Section **63A-16-204**, which is renumbered from Section 63F-1-205 is
3491 renumbered and amended to read:
3492 **[~~63F-1-205~~]. 63A-16-204. Approval of acquisitions of information**
3493 **technology.**
3494 (1) (a) In accordance with Subsection (2), the chief information officer shall approve
3495 the acquisition by an executive branch agency of:
3496 (i) information technology equipment;
3497 (ii) telecommunications equipment;
3498 (iii) software;
3499 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
3500 (v) data acquisition.
3501 (b) The chief information officer may negotiate the purchase, lease, or rental of private

3502 or public information technology or telecommunication services or facilities in accordance with
3503 this section.
3504 (c) Where practical, efficient, and economically beneficial, the chief information
3505 officer shall use existing private and public information technology or telecommunication
3506 resources.
3507 (d) Notwithstanding another provision of this section, an acquisition authorized by this
3508 section shall comply with rules made by the applicable rulemaking authority under Title 63G,
3509 Chapter 6a, Utah Procurement Code.
3510 (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount
3511 that exceeds the value established by the chief information officer by rule in accordance with
3512 Section [~~63F-1-206~~] 63A-16-205, the chief information officer shall:
3513 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
3514 services and the ability of the proposed information technology or telecommunications services
3515 or supplies to meet those needs; and
3516 (b) for purchases, leases, or rentals not covered by an existing statewide contract,
3517 certify in writing to the chief procurement officer in the Division of Purchasing and General
3518 Services that:
3519 (i) the analysis required in Subsection (2)(a) was completed; and
3520 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
3521 services, products, or supplies is practical, efficient, and economically beneficial to the state
3522 and the executive branch agency or subscriber of services.
3523 (3) In approving an acquisition described in Subsections (1) and (2), the chief
3524 information officer shall:
3525 (a) establish by administrative rule, in accordance with Section [~~63F-1-206~~]
3526 63A-16-205, standards under which an agency must obtain approval from the chief information
3527 officer before acquiring the items listed in Subsections (1) and (2);
3528 (b) for those acquisitions requiring approval, determine whether the acquisition is in
3529 compliance with:

3530 (i) the executive branch strategic plan;
3531 (ii) the applicable agency information technology plan;
3532 (iii) the budget for the executive branch agency or department as adopted by the
3533 Legislature;
3534 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and
3535 (v) the information technology accessibility standards described in Section [~~63F-1-210~~]
3536 63A-16-209; and
3537 (c) in accordance with Section [~~63F-1-207~~] 63A-16-206, require coordination of
3538 acquisitions between two or more executive branch agencies if it is in the best interests of the
3539 state.
3540 (4) Each executive branch agency shall provide the chief information officer with
3541 complete access to all information technology records, documents, and reports:
3542 (a) at the request of the chief information officer; and
3543 (b) related to the executive branch agency's acquisition of any item listed in Subsection
3544 (1).
3545 (5) (a) In accordance with administrative rules established by the department under
3546 Section [~~63F-1-206~~] 63A-16-205, an executive branch agency and the department may not
3547 initiate a new technology project unless the technology project is described in a formal project
3548 plan and a business case analysis is approved by the chief information officer and the highest
3549 ranking executive branch agency official.
3550 (b) The project plan and business case analysis required by this Subsection (5) shall
3551 include:
3552 (i) a statement of work to be done and existing work to be modified or displaced;
3553 (ii) total cost of system development and conversion effort, including system analysis
3554 and programming costs, establishment of master files, testing, documentation, special
3555 equipment cost and all other costs, including overhead;
3556 (iii) savings or added operating costs that will result after conversion;
3557 (iv) other advantages or reasons that justify the work;

3558 (v) source of funding of the work, including ongoing costs;
3559 (vi) consistency with budget submissions and planning components of budgets; and
3560 (vii) whether the work is within the scope of projects or initiatives envisioned when the
3561 current fiscal year budget was approved.
3562 (c) The chief information officer shall determine the required form of the project plan
3563 and business case analysis described in this Subsection (5).
3564 (6) The chief information officer and the Division of Purchasing and General Services
3565 within the [~~Department of Administrative Services~~] department shall work cooperatively to
3566 establish procedures under which the chief information officer shall monitor and approve
3567 acquisitions as provided in this section.
3568 Section 70. Section **63A-16-205**, which is renumbered from Section 63F-1-206 is
3569 renumbered and amended to read:
3570 **[~~63F-1-206~~]. 63A-16-205. Rulemaking -- Policies.**
3571 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule
3572 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
3573 (i) provide standards that impose requirements on executive branch agencies that:
3574 (A) are related to the security of the statewide area network; and
3575 (B) establish standards for when an agency must obtain approval before obtaining
3576 items listed in Subsection [~~63F-1-205~~] 63A-16-204(1);
3577 (ii) specify the detail and format required in an agency information technology plan
3578 submitted in accordance with Section [~~63F-1-204~~] 63A-16-203;
3579 (iii) provide for standards related to the privacy policies of websites operated by or on
3580 behalf of an executive branch agency;
3581 (iv) provide for the acquisition, licensing, and sale of computer software;
3582 (v) specify the requirements for the project plan and business case analysis required by
3583 Section [~~63F-1-205~~] 63A-16-204;
3584 (vi) provide for project oversight of agency technology projects when required by
3585 Section [~~63F-1-205~~] 63A-16-204;

3586 (vii) establish, in accordance with Subsection [~~63F-1-205~~] 63A-16-204(2), the
3587 implementation of the needs assessment for information technology purchases;
3588 (viii) establish telecommunications standards and specifications in accordance with
3589 Section [~~63F-1-404~~] 63A-16-403; and
3590 (ix) establish standards for accessibility of information technology by individuals with
3591 disabilities in accordance with Section [~~63F-1-210~~] 63A-16-209.
3592 (b) The rulemaking authority granted by this Subsection (1) is in addition to any other
3593 rulemaking authority granted [~~by this title~~] under this chapter.
3594 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3595 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines
3596 procedures to be followed by the chief information officer in facilitating the implementation of
3597 this title by executive branch agencies if the policy:
3598 (i) is consistent with the executive branch strategic plan; and
3599 (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.
3600 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may
3601 not take effect until 30 days after the day on which the chief information officer submits the
3602 policy to:
3603 (A) the governor; and
3604 (B) all cabinet level officials.
3605 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials
3606 may review and comment on a policy submitted under Subsection (2)(b)(i).
3607 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah
3608 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the
3609 chief information officer may adopt a security procedure to be followed by executive branch
3610 agencies to protect the statewide area network if:
3611 (i) broad communication of the security procedure would create a significant potential
3612 for increasing the vulnerability of the statewide area network to breach or attack; and
3613 (ii) after consultation with the chief information officer, the governor agrees that broad

3614 communication of the security procedure would create a significant potential increase in the
3615 vulnerability of the statewide area network to breach or attack.
3616 (b) A security procedure described in Subsection (3)(a) is classified as a protected
3617 record under Title 63G, Chapter 2, Government Records Access and Management Act.
3618 (c) The chief information officer shall provide a copy of the security procedure as a
3619 protected record to:
3620 (i) the chief justice of the Utah Supreme Court for the judicial branch;
3621 (ii) the speaker of the House of Representatives and the president of the Senate for the
3622 legislative branch;
3623 (iii) the chair of the Utah Board of Higher Education; and
3624 (iv) the chair of the State Board of Education.
3625 Section 71. Section **63A-16-206**, which is renumbered from Section 63F-1-207 is
3626 renumbered and amended to read:
3627 **[~~63F-1-207~~]. 63A-16-206. Coordination within the executive branch --**
3628 **Cooperation with other branches.**
3629 (1) In accordance with the executive branch strategic plan and the requirements of this
3630 title, the chief information officer shall coordinate the development of information technology
3631 systems between two or more executive branch agencies subject to:
3632 (a) the budget approved by the Legislature; and
3633 (b) Title 63J, Chapter 1, Budgetary Procedures Act.
3634 (2) In addition to the coordination described in Subsection (1), the chief information
3635 officer shall promote cooperation regarding information technology between branches of state
3636 government.
3637 Section 72. Section **63A-16-207**, which is renumbered from Section 63F-1-208 is
3638 renumbered and amended to read:
3639 **[~~63F-1-208~~]. 63A-16-207. Delegation of division functions.**
3640 (1) (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other
3641 provisions of this section, the chief information officer may delegate a function of the

3642 [~~department~~] division to another executive branch agency or an institution of higher education
3643 by contract or other means authorized by law.
3644 (b) The chief information officer may delegate a function of the [~~department~~] division
3645 as provided in Subsection (1)(a) if in the judgment of the director of the executive branch
3646 agency and the chief information officer:
3647 (i) the executive branch agency or institution of higher education has requested that the
3648 function be delegated;
3649 (ii) the executive branch agency or institution of higher education has the necessary
3650 resources and skills to perform or control the function to be delegated; and
3651 (iii) the function to be delegated is a unique or mission-critical function of the agency
3652 or institution of higher education.
3653 (2) The chief information officer may delegate a function of the [~~department~~] division
3654 only when the delegation results in net cost savings or improved service delivery to the state as
3655 a whole or to the unique mission critical function of the executive branch agency.
3656 (3) The delegation of a function under this section shall:
3657 (a) be in writing;
3658 (b) contain all of the following:
3659 (i) a precise definition of each function to be delegated;
3660 (ii) a clear description of the standards to be met in performing each function
3661 delegated;
3662 (iii) a provision for periodic administrative audits by the [~~department~~] division;
3663 (iv) a date on which the agreement shall terminate if the agreement has not been
3664 previously terminated or renewed; and
3665 (v) any delegation of [~~department~~] division staff to the agency to support the function
3666 in-house with the agency and rates to be charged for the delegated staff; and
3667 (c) include a cost-benefit analysis justifying the delegation.
3668 (4) An agreement to delegate functions to an executive branch agency or an institution
3669 of higher education may be terminated by the [~~department~~] division if the results of an

3670 administrative audit conducted by the [~~department~~] division reveals a lack of compliance with
3671 the terms of the agreement by the executive branch agency or institution of higher education.
3672 Section 73. Section **63A-16-208**, which is renumbered from Section 63F-1-209 is
3673 renumbered and amended to read:
3674 **[~~63F-1-209~~]. 63A-16-208. Delegation of division staff to executive branch**
3675 **agencies -- Prohibition against executive branch agency information technology staff.**
3676 (1) (a) The chief information officer shall assign [~~department~~] division staff to serve an
3677 agency in-house if the chief information officer and the executive branch agency director
3678 jointly determine it is appropriate to provide information technology services to:
3679 (i) the agency's unique mission-critical functions and applications;
3680 (ii) the agency's participation in and use of statewide enterprise architecture; and
3681 (iii) the agency's use of coordinated technology services with other agencies that share
3682 similar characteristics with the agency.
3683 (b) (i) An agency may request the chief information officer to assign in-house staff
3684 support from the [~~department~~] division.
3685 (ii) The chief information officer shall respond to the agency's request for in-house
3686 staff support in accordance with Subsection (1)(a).
3687 (c) The [~~department~~] division shall enter into service agreements with an agency when
3688 [~~department~~] division staff is assigned in-house to the agency under the provisions of this
3689 section.
3690 (d) An agency that receives in-house staff support assigned from the [~~department~~]
3691 division under the provision of this section is responsible for paying the rates charged by the
3692 [~~department~~] division for that staff as established under Section [~~63F-1-301~~] 63A-16-301.
3693 (2) (a) An executive branch agency may not create a full-time equivalent position or
3694 part-time position, or request an appropriation to fund a full-time equivalent position or
3695 part-time position under the provisions of Section 63J-1-201 for the purpose of providing
3696 information technology services to the agency unless:
3697 (i) the chief information officer has approved a delegation under Section [~~63F-1-208~~]

3698 63A-16-207; and
3699 (ii) the [~~department~~] division conducts an audit under Section [~~63F-1-604~~] 63A-16-213
3700 and finds that the delegation of information technology services to the agency meets the
3701 requirements of Section [~~63F-1-208~~] 63A-16-207.
3702 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not
3703 apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).
3704 Section 74. Section **63A-16-209**, which is renumbered from Section 63F-1-210 is
3705 renumbered and amended to read:
3706 **[~~63F-1-210~~]. 63A-16-209. Accessibility standards for executive branch**
3707 **agency information technology.**
3708 (1) The chief information officer shall establish, by rule made in accordance with Title
3709 63G, Chapter 3, Utah Administrative Rulemaking Act:
3710 (a) minimum standards for accessibility of executive branch agency information
3711 technology by an individual with a disability that:
3712 (i) include accessibility criteria for:
3713 (A) agency websites;
3714 (B) hardware and software procured by an executive branch agency; and
3715 (C) information systems used by executive branch agency employees;
3716 (ii) include a protocol to evaluate the standards via testing by individuals with a variety
3717 of access limitations; and
3718 (iii) are, at minimum, consistent with the most recent Web Content Accessibility
3719 guidelines published by the World Wide Web Consortium; and
3720 (b) grievance procedures for an individual with a disability who is unable to access
3721 executive branch agency information technology, including:
3722 (i) a process for an individual with a disability to report the access issue to the chief
3723 information officer; and
3724 (ii) a mechanism through which the chief information officer can respond to the report.
3725 (2) The chief information officer shall update the standards described in Subsection

3726 (1)(a) at least every three years to reflect advances in technology.
3727 Section 75. Section **63A-16-210**, which is renumbered from Section 63F-1-211 is
3728 renumbered and amended to read:
3729 **[~~63F-1-211~~]. 63A-16-210. Chief information security officer.**
3730 (1) The chief information officer shall appoint a chief information security officer.
3731 (2) The chief information security officer described in Subsection (1) shall:
3732 (a) assess cybersecurity risks;
3733 (b) coordinate with executive branch agencies to assess the sensitivity of information;
3734 and
3735 (c) manage cybersecurity support for the department and executive branch agencies.
3736 Section 76. Section **63A-16-211**, which is renumbered from Section 63F-1-212 is
3737 renumbered and amended to read:
3738 **[~~63F-1-212~~]. 63A-16-211. Report to the Legislature.**
3739 The [~~department~~] division shall, in accordance with Section [~~63F-1-201~~] 63F-16-201,
3740 before November 1 [~~of~~] each year, report to the Public Utilities, Energy, and Technology
3741 Interim Committee on:
3742 (1) performance measures that the [~~department~~] division uses to assess the
3743 [~~department's~~] division's effectiveness in performing the [~~department's~~] division's duties under
3744 this [~~chapter~~] part; and
3745 (2) the [~~department's~~] division's performance, evaluated in accordance with the
3746 performance measures described in Subsection (1).
3747 Section 77. Section **63A-16-212**, which is renumbered from Section 63F-1-603 is
3748 renumbered and amended to read:
3749 **[~~63F-1-603~~]. 63A-16-212. Agency services -- Chief information officer**
3750 **manages.**
3751 The chief information officer shall manage the [~~department's~~] division's duties related
3752 to agency services.
3753 Section 78. Section **63A-16-213**, which is renumbered from Section 63F-1-604 is

3754 renumbered and amended to read:

3755 **[~~63F-1-604~~]. 63A-16-213. Duties of the division -- Agency services.**

3756 The [~~department~~] division shall:

3757 (1) be responsible for providing support to executive branch agencies for an agency's
3758 information technology assets and functions that are unique to the executive branch agency and
3759 are mission critical functions of the agency;

3760 (2) provide in-house information technology staff support to executive branch
3761 agencies;

3762 (3) establish a committee composed of agency user groups for the purpose of
3763 coordinating [~~department~~] division services with agency needs; and

3764 (4) assist executive branch agencies in complying with the requirements of any rule
3765 adopted by the chief information officer.

3766 Section 79. Section **63A-16-301**, which is renumbered from Section 63F-1-301 is
3767 renumbered and amended to read:

3768 **Part 3. Information Technology Services and Rates**

3769 **[~~63F-1-301~~]. 63A-16-301. Cost based services -- Fees -- Submission to rate**
3770 **committee.**

3771 (1) The chief information officer shall:

3772 (a) at the lowest practical cost, manage the delivery of efficient and cost-effective
3773 information technology and telecommunication services for:

3774 (i) all executive branch agencies; and

3775 (ii) entities that subscribe to the services in accordance with Section [~~63F-1-303~~]
3776 63A-16-303; and

3777 (b) provide priority service to public safety agencies.

3778 (2) (a) In accordance with this Subsection (2), the chief information officer shall
3779 prescribe a schedule of fees for all services rendered by the [~~department~~] division to:

3780 (i) an executive branch entity; or

3781 (ii) an entity that subscribes to services rendered by the [~~department~~] division in

3782 accordance with Section [~~63F-1-303~~] 63A-16-303.
3783 (b) Each fee included in the schedule of fees required by Subsection (2)(a):
3784 (i) shall be equitable;
3785 (ii) should be based upon a zero based, full cost accounting of activities necessary to
3786 provide each service for which a fee is established; and
3787 (iii) for each service multiplied by the projected consumption of the service recovers
3788 no more or less than the full cost of each service.
3789 (c) Before charging a fee for its services to an executive branch agency or to a
3790 subscriber of services other than an executive branch agency, the chief information officer
3791 shall:
3792 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
3793 in Section [~~63F-1-302~~] 63A-1-114; and
3794 (ii) obtain the approval of the Legislature as required by Section 63J-1-410.
3795 (d) The chief information officer shall periodically conduct a market analysis [~~by July~~
3796 ~~1, 2006, and periodically thereafter,~~] of proposed rates and fees, which analysis shall include a
3797 comparison of the [~~department's~~] division's rates with the fees of other public or private sector
3798 providers where comparable services and rates are reasonably available.
3799 Section 80. Section **63A-16-302**, which is renumbered from Section 63F-1-303 is
3800 renumbered and amended to read:
3801 **[~~63F-1-303~~]. 63A-16-302. Executive branch agencies -- Subscription by**
3802 **institutions.**
3803 (1) An executive branch agency in accordance with its agency information technology
3804 plan approved by the chief information officer shall:
3805 (a) subscribe to the information technology services provided by the [~~department~~]
3806 division; or
3807 (b) contract with one or more alternate private providers of information technology
3808 services if the chief information officer determines that the purchase of the services from a
3809 private provider will:

3810 (i) result in:
3811 (A) cost savings;
3812 (B) increased efficiency; or
3813 (C) improved quality of services; and
3814 (ii) not impair the interoperability of the state's information technology services.
3815 (2) An institution of higher education may subscribe to the services provided by the
3816 [~~department~~] division if:
3817 (a) the president of the institution recommends that the institution subscribe to the
3818 services of the [~~department~~] division; and
3819 (b) the Utah Board of Higher Education determines that subscription to the services of
3820 the [~~department~~] division will result in cost savings or increased efficiency to the institution.
3821 (3) The following may subscribe to information technology services by requesting that
3822 the services be provided from the [~~department~~] division:
3823 (a) the legislative branch;
3824 (b) the judicial branch;
3825 (c) the State Board of Education;
3826 (d) a political subdivision of the state;
3827 (e) an agency of the federal government;
3828 (f) an independent entity as defined in Section 63E-1-102; and
3829 (g) an elective constitutional officer of the executive department as defined in
3830 Subsection [~~63F-1-102~~] 63A-16-102(5)(b)(vii).
3831 Section 81. Section **63A-16-401**, which is renumbered from Section 63F-1-402 is
3832 renumbered and amended to read:
3833 **Part 4. Enterprise Technology**
3834 **[~~63F-1-402~~]. 63A-16-401. Definitions.**
3835 As used in this [~~chapter~~] part, "enterprise architecture" means information technology
3836 assets and functions that can be applied across state government and include:
3837 (1) computing devices such as mainframes, servers, desktop devices, and peripherals;

3838 (2) networks;
3839 (3) enterprise wide applications;
3840 (4) maintenance and help desk functions for common hardware and applications;
3841 (5) standards for other computing devices, operating systems, common applications,
3842 and software; and
3843 (6) master contracts that are available for use by agencies for various systems such as
3844 operating systems, database, enterprise resource planning and customer relationship
3845 management software, application development services, and enterprise integration.
3846 Section 82. Section **63A-16-402**, which is renumbered from Section 63F-1-403 is
3847 renumbered and amended to read:
3848 **[~~63F-1-403~~]. 63A-16-402. Enterprise technology -- Chief information**
3849 **officer manages.**
3850 The chief information officer shall manage the [~~department's~~] division's duties related
3851 to enterprise technology.
3852 Section 83. Section **63A-16-403**, which is renumbered from Section 63F-1-404 is
3853 renumbered and amended to read:
3854 **[~~63F-1-404~~]. 63A-16-403. Duties of the division -- Enterprise technology.**
3855 The [~~department~~] division shall:
3856 (1) develop and implement an effective enterprise architecture governance model for
3857 the executive branch;
3858 (2) provide oversight of information technology projects that impact statewide
3859 information technology services, assets, or functions of state government to:
3860 (a) control costs;
3861 (b) ensure business value to a project;
3862 (c) maximize resources;
3863 (d) ensure the uniform application of best practices; and
3864 (e) avoid duplication of resources;
3865 (3) develop a method of accountability to agencies for services provided by the

3866 department through service agreements with the agencies;
3867 (4) serve as a project manager for enterprise architecture which includes the
3868 management of applications, standards, and procurement of enterprise architecture;
3869 (5) coordinate the development and implementation of advanced state
3870 telecommunication systems;
3871 (6) provide services including technical assistance:
3872 (a) to executive branch agencies and subscribers to the services; and
3873 (b) related to information technology or telecommunications;
3874 (7) establish telecommunication system specifications and standards for use by:
3875 (a) one or more executive branch agencies; or
3876 (b) one or more entities that subscribe to the telecommunication systems in accordance
3877 with Section [~~63F-1-303~~] 63A-16-303;
3878 (8) coordinate state telecommunication planning in cooperation with:
3879 (a) state telecommunication users;
3880 (b) executive branch agencies; and
3881 (c) other subscribers to the state's telecommunication systems;
3882 (9) cooperate with the federal government, other state entities, counties, and
3883 municipalities in the development, implementation, and maintenance of:
3884 (a) (i) governmental information technology; or
3885 (ii) governmental telecommunication systems; and
3886 (b) (i) as part of a cooperative organization; or
3887 (ii) through means other than a cooperative organization;
3888 (10) establish, operate, manage, and maintain:
3889 (a) one or more state data centers; and
3890 (b) one or more regional computer centers;
3891 (11) design, implement, and manage all state-owned, leased, or rented land, mobile, or
3892 radio telecommunication systems that are used in the delivery of services for state government
3893 or its political subdivisions; and

3894 (12) in accordance with the executive branch strategic plan, implement minimum
3895 standards to be used by the [~~department~~] division for purposes of compatibility of procedures,
3896 programming languages, codes, and media that facilitate the exchange of information within
3897 and among telecommunication systems.
3898 Section 84. Section **63A-16-501**, which is renumbered from Section 63F-1-502 is
3899 renumbered and amended to read:
3900 **Part 5. Integrated Technology**
3901 **[~~63F-1-502~~]. 63A-16-501. Definitions.**
3902 As used in this part:
3903 (1) "Center" means the Automated Geographic Reference Center created in Section
3904 [~~63F-1-506~~] 63A-16-505.
3905 (2) "Database" means the State Geographic Information Database created in Section
3906 [~~63F-1-507~~] 63A-16-506.
3907 (3) "Geographic Information System" or "GIS" means a computer driven data
3908 integration and map production system that interrelates disparate layers of data to specific
3909 geographic locations.
3910 (4) "Office" means the Office of Integrated Technology, created in Section
3911 63A-16-502.
3912 [~~(4)~~] (5) "State Geographic Information Database" means the database created in
3913 Section [~~63F-1-507~~] 63A-16-506.
3914 [~~(5)~~] (6) "Statewide Global Positioning Reference Network" or "network" means the
3915 network created in Section [~~63F-1-509~~] 63A-16-508.
3916 Section 85. Section **63A-16-502**, which is renumbered from Section 63F-1-503 is
3917 renumbered and amended to read:
3918 **[~~63F-1-503~~]. 63A-16-502. Office of Integrated Technology.**
3919 (1) There is created within the division the Office of Integrated Technology.
3920 (2) The chief information officer shall manage the [~~department's~~] division's duties
3921 related to integrated technology.

3922 Section 86. Section **63A-16-503**, which is renumbered from Section 63F-1-504 is
3923 renumbered and amended to read:
3924 **[~~63F-1-504~~]. 63A-16-503. Duties of the division -- Integrated technology.**
3925 The [~~department~~] division shall:
3926 (1) establish standards for the information technology needs of a collection of
3927 executive branch agencies or programs that share common characteristics relative to the types
3928 of stakeholders they serve, including:
3929 (a) project management;
3930 (b) application development; and
3931 (c) procurement;
3932 (2) provide oversight of information technology standards that impact multiple
3933 executive branch agency information technology services, assets, or functions to:
3934 (a) control costs;
3935 (b) ensure business value to a project;
3936 (c) maximize resources;
3937 (d) ensure the uniform application of best practices; and
3938 (e) avoid duplication of resources; and
3939 (3) establish a system of accountability to user agencies through the use of service
3940 agreements.
3941 Section 87. Section **63A-16-504**, which is renumbered from Section 63F-1-505 is
3942 renumbered and amended to read:
3943 **[~~63F-1-505~~]. 63A-16-504. Information technology plan.**
3944 (1) In accordance with this section, the [~~division~~] office shall submit an information
3945 technology plan to the chief information officer.
3946 (2) The information technology plan submitted by the [~~division~~] office under this
3947 section shall include:
3948 (a) the information required by Section [~~63F-1-203~~] 63A-16-202;
3949 (b) a list of the services the [~~division~~] office offers or plans to offer; and

3950 (c) a description of the performance measures used by the [~~division~~] office to measure
3951 the quality of the services described in Subsection (2)(b).
3952 (3) (a) In submitting [~~its~~] the information technology plan under this section, the
3953 [~~division~~] office shall comply with Section [~~63F-1-204~~] 63A-16-203.
3954 (b) The information technology plan submitted by the [~~division~~] office under this
3955 section is subject to the approval of the chief information officer as provided in Section
3956 [~~63F-1-204~~] 63A-16-203.
3957 Section 88. Section **63A-16-505**, which is renumbered from Section 63F-1-506 is
3958 renumbered and amended to read:
3959 **[~~63F-1-506~~]. 63A-16-505. Automated Geographic Reference Center.**
3960 (1) There is created the Automated Geographic Reference Center as part of the
3961 [~~division~~] office.
3962 (2) The center shall:
3963 (a) provide geographic information system services to state agencies under rules
3964 adopted in accordance with Section [~~63F-1-504~~] 63A-16-503 and policies established by the
3965 [~~division~~] office;
3966 (b) provide geographic information system services to federal government, local
3967 political subdivisions, and private persons under rules and policies established by the [~~division~~]
3968 office;
3969 (c) manage the State Geographic Information Database; and
3970 (d) establish standard format, lineage, and other requirements for the database.
3971 (3) (a) There is created a position of surveyor within the center.
3972 (b) The surveyor under this Subsection (3) shall:
3973 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional
3974 Engineers and Professional Land Surveyors Licensing Act;
3975 (ii) provide technical support to the office of lieutenant governor in the lieutenant
3976 governor's evaluation under Section 67-1a-6.5 of a proposed boundary action, as defined in
3977 Section 17-23-20;

3978 (iii) as requested by a county surveyor, provide technical assistance to the county
3979 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;
3980 (iv) fulfill the duties described in Section 17-50-105, if engaged to do so as provided in
3981 that section;
3982 (v) assist the State Tax Commission in processing and quality assurance of boundary
3983 descriptions or maps into digital format for inclusion in the State Geographic Information
3984 Database;
3985 (vi) coordinate with county recorders and surveyors to create a statewide parcel layer in
3986 the State Geographic Information Database containing parcel boundary, parcel identifier, parcel
3987 address, owner type, and county recorder contact information; and
3988 (vii) facilitate and integrate the collection efforts of local government and federal
3989 agencies for data collection to densify and enhance the statewide Public Land Survey System
3990 reference network in the State Geographic Information Database.
3991 (4) The [~~division~~] office may:
3992 (a) make rules and establish policies to govern the center and its operations; and
3993 (b) set fees for the services provided by the center.
3994 (5) The state may not sell information obtained from counties under Subsection
3995 (3)(b)(v).
3996 Section 89. Section **63A-16-506**, which is renumbered from Section 63F-1-507 is
3997 renumbered and amended to read:
3998 **[~~63F-1-507~~]. 63A-16-506. State Geographic Information Database.**
3999 (1) There is created a State Geographic Information Database to be managed by the
4000 center.
4001 (2) The database shall:
4002 (a) serve as the central reference for all information contained in any GIS database by
4003 any state agency;
4004 (b) serve as a clearing house and repository for all data layers required by multiple
4005 users;

4006 (c) serve as a standard format for geographic information acquired, purchased, or
4007 produced by any state agency;
4008 (d) include an accurate representation of all civil subdivision boundaries of the state;
4009 and
4010 (e) for each public highway, as defined in Section 72-1-102, in the state, include an
4011 accurate representation of the highway's centerline, physical characteristics, and associated
4012 street address ranges.
4013 (3) The center shall, in coordination with municipalities, counties, emergency
4014 communications centers, and the Department of Transportation:
4015 (a) develop the information described in Subsection (2)(e); and
4016 (b) update the information described in Subsection (2)(e) in a timely manner after a
4017 county recorder records a final plat.
4018 (4) Each state agency that acquires, purchases, or produces digital geographic
4019 information data shall:
4020 (a) inform the center of the existence of the data layers and their geographic extent;
4021 (b) allow the center access to all data classified public; and
4022 (c) comply with any database requirements established by the center.
4023 (5) At least annually, the State Tax Commission shall deliver to the center information
4024 the State Tax Commission receives under Section 67-1a-6.5 relating to the creation or
4025 modification of the boundaries of political subdivisions.
4026 (6) The boundary of a political subdivision within the State Geographic Information
4027 Database is the official boundary of the political subdivision for purposes of meeting the needs
4028 of the United States Bureau of the Census in identifying the boundary of the political
4029 subdivision.
4030 Section 90. Section **63A-16-507**, which is renumbered from Section 63F-1-508 is
4031 renumbered and amended to read:
4032 **[~~63F-1-508~~]. 63A-16-507. Committee to award grants to counties for**
4033 **inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for**

4034 **proposals.**

4035 (1) There is created within the center a committee to award grants to counties to
4036 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as
4037 provided by Subsection (5).

4038 (2) (a) The committee shall consist of:

4039 (i) the center manager;

4040 (ii) a representative of the Governor's Office of Management and Budget;

4041 (iii) a representative of Utah State University Extension;

4042 (iv) a representative of the Utah Association of Counties; and

4043 (v) three county commissioners.

4044 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall
4045 be selected by the organizations they represent.

4046 (c) The committee members specified in Subsection (2)(a)(v) shall be:

4047 (i) selected by the Utah Association of Counties;

4048 (ii) from rural counties; and

4049 (iii) from different regions of the state.

4050 (3) (a) The committee shall select a chair from [~~its~~] the committee's membership.

4051 (b) The committee shall meet upon the call of the chair or a majority of the committee
4052 members.

4053 (c) Four members [~~shall constitute~~] of the committee constitute a quorum.

4054 (4) (a) Committee members who are state government employees shall receive no
4055 additional compensation for their work on the committee.

4056 (b) Committee members who are not state government employees shall receive no
4057 compensation or expenses from the state for their work on the committee.

4058 (5) (a) The committee shall award grants to counties to:

4059 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)
4060 technology; and

4061 (ii) photograph:

4062 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;
4063 (B) structures or natural features that may be indicative of the purpose for which an
4064 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational
4065 facilities, or scenic overlooks; and
4066 (C) evidence of valid and existing rights on federal lands, such as mines and
4067 agricultural facilities.
4068 (b) (i) The committee may allow counties, while they are conducting the activities
4069 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other
4070 natural or cultural resources.
4071 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing
4072 programs underway by state agencies, counties, or institutions of higher education.
4073 (c) Maps and other data acquired through the grants shall become a part of the State
4074 Geographic Information Database.
4075 (d) Counties shall provide an opportunity to interested parties to submit information
4076 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as
4077 provided in Subsections (5)(a) and (5)(b).
4078 (6) (a) The committee shall develop a request for proposals process and issue a request
4079 for proposals.
4080 (b) The request for proposals shall require each grant applicant to submit an
4081 implementation plan and identify any monetary or in-kind contributions from the county.
4082 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,
4083 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)
4084 which are located on federal lands that:
4085 (i) a federal land management agency proposes for special management, such as lands
4086 to be managed as an area of critical environmental concern or primitive area; or
4087 (ii) are proposed to receive a special designation by Congress, such as lands to be
4088 designated as wilderness or a national conservation area.
4089 (7) Each county that receives a grant under the provision of this section shall provide a

4090 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state
4091 database.
4092 Section 91. Section **63A-16-508**, which is renumbered from Section 63F-1-509 is
4093 renumbered and amended to read:
4094 **[~~63F-1-509~~]. 63A-16-508. Statewide Global Positioning Reference**
4095 **Network created -- Rulemaking authority.**
4096 (1) (a) There is created the Statewide Global Positioning Reference Network to
4097 improve the quality of geographic information system data and the productivity, efficiency, and
4098 cost-effectiveness of government services.
4099 (b) The network shall provide a system of permanently mounted, fully networked,
4100 global positioning system base stations that will provide real time radio navigation and
4101 establish a standard statewide coordinate reference system.
4102 (c) The center shall administer the network.
4103 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4104 the chief information officer shall make rules providing for operating policies and procedures
4105 for the network.
4106 (b) When making rules under this section, the chief information officer shall consider:
4107 (i) network development that serves a public purpose;
4108 (ii) increased productivity and efficiency for state agencies; and
4109 (iii) costs and longevity of the network.
4110 Section 92. Section **63A-16-509**, which is renumbered from Section 63F-1-510 is
4111 renumbered and amended to read:
4112 **[~~63F-1-510~~]. 63A-16-509. Monument Replacement and Restoration**
4113 **Committee.**
4114 (1) As used in this section:
4115 (a) "Committee" means the Monument Replacement and Restoration Committee
4116 created in this section.
4117 (b) "Corner" means the same as that term is defined in Section 17-23-17.5.

4118 (c) "Monument" means the same as that term is defined in Section 17-23-17.5.
4119 (2) (a) There is created the Monument Replacement and Restoration Committee
4120 composed of the following seven members:
4121 (i) five members appointed by an organization or association that represents Utah
4122 counties:
4123 (A) that have knowledge and understanding of the Public Land Survey System; and
4124 (B) who each represents a different county; and
4125 (ii) two members, appointed by the center, who have a knowledge and understanding
4126 of the Public Land Survey System.
4127 (b) (i) Except as provided in Subsection (2)(b)(ii), a member appointed to the
4128 committee is appointed for a four-year term.
4129 (ii) The director of the center shall, at the time an entity appoints or reappoints an
4130 individual to serve on the committee, adjust the length of the appointed individual's term, as
4131 necessary, to ensure that the terms of committee members are staggered so that approximately
4132 half of the committee members are appointed every two years.
4133 (iii) When a vacancy occurs on the committee for any reason, the replacement
4134 appointee shall serve on the committee for the unexpired term.
4135 (c) The committee shall elect one committee member to serve as chair of the
4136 committee for a term of two years.
4137 (d) A majority of the committee constitutes a quorum, and the action of a majority of a
4138 quorum constitutes the action of the committee.
4139 (e) (i) The center shall provide staff support to the committee.
4140 (ii) An individual who is a member of the committee may not serve as staff to the
4141 committee.
4142 (f) A member of the committee may not receive compensation for the member's service
4143 on the committee.
4144 (g) The committee may adopt bylaws to govern the committee's operation.
4145 (3) (a) The committee shall administer a grant program to assist counties in

4146 maintaining and protecting corners or monuments.
4147 (b) A county wishing to receive a grant under the program described in Subsection
4148 (3)(a) shall submit to the committee an application that:
4149 (i) identifies one or more monuments in the county that are in need of protection or
4150 rehabilitation;
4151 (ii) establishes a plan that is consistent with federal law or rule to protect or rehabilitate
4152 each monument identified under Subsection (3)(b)(i); and
4153 (iii) requests a specific amount of funding to complete the plan established under
4154 Subsection (3)(b)(ii).
4155 (c) The committee shall:
4156 (i) adopt criteria to:
4157 (A) evaluate whether a monument identified by a county under Subsection (3)(b)(i)
4158 needs protection or rehabilitation; and
4159 (B) identify which monuments identified by a county under Subsection (3)(b)(i) have
4160 the greatest need of protection or rehabilitation;
4161 (ii) evaluate each application submitted by a county under Subsection (3)(b) using the
4162 criteria adopted by the committee under Subsection (3)(c)(i);
4163 (iii) subject to sufficient funding and Subsection (3)(d), award grants to counties whose
4164 applications are most favorably evaluated under Subsection (3)(c)(ii); and
4165 (iv) establish a date by which a county awarded a grant under Subsection (3)(c)(iii)
4166 shall report back to the committee.
4167 (d) The committee may not award a grant to a county under this section in an amount
4168 greater than $100,000.
4169 (4) A county that is awarded a grant under this section shall:
4170 (a) document the work performed by the county, pursuant to the plan established by the
4171 county under Subsection (3)(b)(ii), to protect or rehabilitate a monument; and
4172 (b) before the date established under Subsection (3)(c)(iv), report to the committee on
4173 the work performed by the county.

4174 (5) (a) If the committee has not expended all of the funds appropriated to the
4175 committee by the Legislature for the fulfillment of the committee's duties under this section
4176 before December 31, 2017, the committee shall disburse any remaining funds equally among
4177 all counties that have established a dedicated monument preservation fund by ordinance as
4178 provided in Section 17-23-19.
4179 (b) A county to which the center has disbursed funds under Subsection (5)(a) shall:
4180 (i) deposit the funds into the county's monument preservation fund; and
4181 (ii) expend the funds, in consultation with the committee, for the maintenance and
4182 preservation of monuments in the county.
4183 Section 93. Section **63A-16-601**, which is renumbered from Section 63F-1-701 is
4184 renumbered and amended to read:
4185 **Part 6. Utah Public Notice Website**
4186 **[~~63F-1-701~~]. 63A-16-601. Utah Public Notice Website -- Establishment**
4187 **and administration.**
4188 (1) As used in this part:
4189 [~~(a) "Division" means the Division of Archives and Records Service of the Department~~
4190 ~~of Administrative Services.~~]
4191 [~~(b)~~] (a) "Executive board" means the same as that term is defined in Section 67-1-2.5.
4192 [~~(c)~~] (b) "Public body" means the same as that term is defined in Section 52-4-103.
4193 [~~(d)~~] (c) "Public information" means a public body's public notices, minutes, audio
4194 recordings, and other materials that are required to be posted to the website under Title 52,
4195 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.
4196 [~~(e)~~] (d) "Website" means the Utah Public Notice Website created [~~under~~] in this
4197 section.
4198 (2) There is created the Utah Public Notice Website to be administered by the Division
4199 of Archives and Records Service.
4200 (3) The website shall consist of an Internet website provided to assist the public to find
4201 posted public information.

4202 (4) The [~~division~~] Division of Archives and Records Service, with the technical
4203 assistance of the [~~Department~~] Division of Technology Services, shall create the website that
4204 shall:
4205 (a) allow a public body, or other certified entity, to easily post any public information,
4206 including the contact information required under Subsections 17B-1-303(9) and
4207 17D-1-106(1)(b)(ii);
4208 (b) allow the public to easily search the public information by:
4209 (i) public body name;
4210 (ii) date of posting of the notice;
4211 (iii) date of any meeting or deadline included as part of the public information; and
4212 (iv) any other criteria approved by the [~~division~~] Division of Archives and Records
4213 Service;
4214 (c) allow the public to easily search and view past, archived public information;
4215 (d) allow an individual to subscribe to receive updates and notices associated with a
4216 public body or a particular type of public information;
4217 (e) be easily accessible by the public from the State of Utah home page;
4218 (f) have a unique and simplified website address;
4219 (g) be directly accessible via a link from the main page of the official state website; and
4220 (h) include other links, features, or functionality that will assist the public in obtaining
4221 and reviewing public information posted on the website, as may be approved by the division.
4222 (5) (a) Subject to Subsection (5)(b), the [~~division~~] Division of Archives and Records
4223 Service and the governor's office shall coordinate to ensure that the website, the database
4224 described in Section 67-1-2.5, and the website described in Section 67-1-2.5 automatically
4225 share appropriate information in order to ensure that:
4226 (i) an individual who subscribes to receive information under Subsection (4)(d) for an
4227 executive board automatically receives notifications of vacancies on the executive board that
4228 will be publicly filled, including a link to information regarding how an individual may apply
4229 to fill the vacancy; and

4230 (ii) an individual who accesses an executive board's information on the website has
4231 access to the following through the website:
4232 (A) the executive board's information in the database, except an individual's physical
4233 address, e-mail address, or phone number; and
4234 (B) the portal described in Section 67-1-2.5 through which an individual may provide
4235 input on an appointee to, or member of, the executive board.
4236 (b) The [~~division~~] Division of Archives and Records Service and the governor's office
4237 shall comply with Subsection (5)(a) as soon as reasonably possible within existing funds
4238 appropriated to the [~~division~~] Division of Archives and Records Service and the governor's
4239 office.
4240 (6) Before August 1 of each year, the [~~division~~] Division of Archives and Records
4241 Service shall:
4242 (a) identify each executive board that is a public body that did not submit to the
4243 website a notice of a public meeting during the previous fiscal year; and
4244 (b) report the name of each identified executive board to the governor's boards and
4245 commissions administrator.
4246 (7) The [~~division~~] Division of Archives and Records Service is responsible for:
4247 (a) establishing and maintaining the website, including the provision of equipment,
4248 resources, and personnel as is necessary;
4249 (b) providing a mechanism for public bodies or other certified entities to have access to
4250 the website for the purpose of posting and modifying public information; and
4251 (c) maintaining an archive of all public information posted to the website.
4252 (8) A public body is responsible for the content the public body is required to post to
4253 the website and the timing of posting of that information.
4254 Section 94. Section **63A-16-602**, which is renumbered from Section 63F-1-702 is
4255 renumbered and amended to read:
4256 **[~~63F-1-702~~]. 63A-16-602. Notice and training by the Division of Archives**
4257 **and Records Service.**

4258 (1) The [~~division~~] Division of Archives and Records Service shall provide notice of the
4259 provisions and requirements of this chapter to all public bodies that are subject to the provision
4260 of Subsection 52-4-202(3)(a)(ii).
4261 (2) The [~~division~~] Division of Archives and Records Service shall, as necessary,
4262 provide periodic training on the use of the Utah Public Notice Website to public bodies that are
4263 authorized to post notice on the website.
4264 Section 95. Section **63A-16-701**, which is renumbered from Section 63F-2-102 is
4265 renumbered and amended to read:
4266 **Part 7. Data Security Management Council**
4267 **[~~63F-2-102~~]. 63A-16-701. Data Security Management Council --**
4268 **Membership -- Duties.**
4269 (1) There is created the Data Security Management Council [~~composed of~~] comprising
4270 eight members as follows:
4271 (a) the chief information officer appointed under Section [~~63F-1-201~~] 63A-16-201, or
4272 the chief information officer's designee;
4273 (b) one individual appointed by the governor;
4274 (c) one individual appointed by the speaker of the House of Representatives and the
4275 president of the Senate; and
4276 (d) the highest ranking information technology official, or the highest ranking
4277 information technology official's designee, from each of:
4278 (i) the Judicial Council;
4279 (ii) the Utah Board of Higher Education;
4280 (iii) the State Board of Education;
4281 (iv) the State Tax Commission; and
4282 (v) the Office of the Attorney General.
4283 (2) The council shall elect a chair of the council by majority vote.
4284 (3) (a) A majority of the members of the council constitutes a quorum.
4285 (b) Action by a majority of a quorum of the council constitutes an action of the council.

4286 (4) The [~~Department~~] Division of Technology Services shall provide staff to the
4287 council.
4288 (5) The council shall meet quarterly, or as often as necessary, to:
4289 (a) review existing state government data security policies;
4290 (b) assess ongoing risks to state government information technology;
4291 (c) create a method to notify state and local government entities of new risks;
4292 (d) coordinate data breach simulation exercises with state and local government
4293 entities; and
4294 (e) develop data security best practice recommendations for state government that
4295 include recommendations regarding:
4296 (i) hiring and training a chief information security officer for each government entity;
4297 (ii) continuous risk monitoring;
4298 (iii) password management;
4299 (iv) using the latest technology to identify and respond to vulnerabilities;
4300 (v) protecting data in new and old systems; and
4301 (vi) best procurement practices.
4302 (6) A member who is not a member of the Legislature may not receive compensation
4303 or benefits for the member's service but may receive per diem and travel expenses as provided
4304 in:
4305 (a) Section 63A-3-106;
4306 (b) Section 63A-3-107; and
4307 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
4308 Section 96. Section **63A-16-702**, which is renumbered from Section 63F-2-103 is
4309 renumbered and amended to read:
4310 **[~~63F-2-103~~]. 63A-16-702. Data Security Management Council -- Report to**
4311 **Legislature -- Recommendations.**
4312 (1) The council chair or the council chair's designee shall report annually no later than
4313 October 1 of each year to the Public Utilities, Energy, and Technology Interim Committee.

4314 (2) The council's annual report shall contain:
4315 (a) a summary of topics the council studied during the year;
4316 (b) best practice recommendations for state government; and
4317 (c) recommendations for implementing the council's best practice recommendations.
4318 Section 97. Section **63A-16-801**, which is renumbered from Section 63F-3-102 is
4319 renumbered and amended to read:
4320 **Part 8. Single Sign-on Portal**
4321 **[~~63F-3-102~~]. 63A-16-801. Definitions.**
4322 As used in this [~~chapter~~] part:
4323 (1) "Business data" means data collected by the state about a person doing business in
4324 the state.
4325 (2) "Single sign-on business portal" means the web portal described in Section
4326 [~~63F-3-103~~] 63A-16-802.
4327 (3) "Single sign-on citizen portal" means the web portal described in Section
4328 [~~63F-3-103.5~~] 63A-16-803.
4329 (4) "Web portal" means an Internet webpage that can be accessed by a person that
4330 enters the person's unique user information in order to access secure information.
4331 Section 98. Section **63A-16-802**, which is renumbered from Section 63F-3-103 is
4332 renumbered and amended to read:
4333 **[~~63F-3-103~~]. 63A-16-802. Single sign-on business portal -- Creation.**
4334 (1) The [~~department~~] division shall, in consultation with the entities described in
4335 Subsection (4), design and create a single sign-on business portal that is:
4336 (a) a web portal through which a person may access data described in Subsection (2),
4337 as agreed upon by the entities described in Subsection (4); and
4338 (b) secure, centralized, and interconnected.
4339 (2) The [~~department~~] division shall ensure that the single sign-on business portal
4340 allows a person doing business in the state to access, at a single point of entry, all relevant
4341 state-collected business data about the person, including information related to:

4342 (a) business registration;
4343 (b) workers' compensation;
4344 (c) beginning December 1, 2020, tax liability and payment; and
4345 (d) other information collected by the state that the department determines is relevant
4346 to a person doing business in the state.
4347 (3) The [~~department~~] division shall develop the single sign-on business portal:
4348 (a) using an open platform that:
4349 (i) facilitates participation in the web portal by a state entity;
4350 (ii) allows for optional participation by a political subdivision of the state; and
4351 (iii) contains a link to the State Tax Commission website; and
4352 (b) in a manner that anticipates the creation of the single sign-on citizen portal
4353 described in Section [~~63F-3-103.5~~] 63A-16-803.
4354 (4) In developing the single sign-on business portal, the [~~department~~] division shall
4355 consult with:
4356 (a) the Department of Commerce;
4357 (b) the State Tax Commission;
4358 (c) the Labor Commission;
4359 (d) the Department of Workforce Services;
4360 (e) the Governor's Office of Management and Budget;
4361 (f) the Utah League of Cities and Towns;
4362 (g) the Utah Association of Counties; and
4363 (h) the business community that is likely to use the single sign-on business portal.
4364 (5) The [~~department~~] division shall ensure that the single sign-on business portal is
4365 fully operational no later than May 1, 2021.
4366 Section 99. Section **63A-16-803**, which is renumbered from Section 63F-3-103.5 is
4367 renumbered and amended to read:
4368 **[~~63F-3-103.5~~]. 63A-16-803. Single sign-on citizen portal -- Creation.**
4369 (1) The [~~department~~] division shall, in consultation with the entities described in

4370 Subsection (4), design and create a single sign-on citizen portal that is:
4371 (a) a web portal through which an individual may access information and services
4372 described in Subsection (2), as agreed upon by the entities described in Subsection (4); and
4373 (b) secure, centralized, and interconnected.
4374 (2) The [~~department~~] division shall ensure that the single sign-on citizen portal allows
4375 an individual, at a single point of entry, to:
4376 (a) access and submit an application for:
4377 (i) medical and support programs including:
4378 (A) a medical assistance program administered under Title 26, Chapter 18, Medical
4379 Assistance Act, including Medicaid;
4380 (B) the Children's Health Insurance Program under Title 26, Chapter 40, Utah
4381 Children's Health Insurance Act;
4382 (C) the Primary Care Network as defined in Section 26-18-416; and
4383 (D) the Women, Infants, and Children program administered under 42 U.S.C. Sec.
4384 1786;
4385 (ii) unemployment insurance under Title 35A, Chapter 4, Employment Security Act;
4386 (iii) workers' compensation under Title 34A, Chapter 2, Workers' Compensation Act;
4387 (iv) employment with a state agency;
4388 (v) a driver license or state identification card renewal under Title 53, Chapter 3,
4389 Uniform Driver License Act;
4390 (vi) a birth or death certificate under Title 26, Chapter 2, Utah Vital Statistics Act; and
4391 (vii) a hunting or fishing license under Title 23, Chapter 19, Licenses, Permits, and
4392 Tags;
4393 (b) access the individual's:
4394 (i) transcripts from an institution of higher education described in Section 53B-2-101;
4395 and
4396 (ii) immunization records maintained by the Utah Department of Health;
4397 (c) register the individual's vehicle under Title 41, Chapter 1a, Part 2, Registration,

4398 with the Motor Vehicle Division of the State Tax Commission;
4399 (d) file the individual's state income taxes under Title 59, Chapter 10, Individual
4400 Income Tax Act, beginning December 1, 2020;
4401 (e) access information about positions available for employment with the state; and
4402 (f) access any other service or information the department determines is appropriate in
4403 consultation with the entities described in Subsection (4).
4404 (3) The [~~department~~] division shall develop the single sign-on citizen portal using an
4405 open platform that:
4406 (a) facilitates participation in the portal by a state entity;
4407 (b) allows for optional participation in the portal by a political subdivision of the state;
4408 and
4409 (c) contains a link to the State Tax Commission website.
4410 (4) In developing the single sign-on citizen portal, the department shall consult with:
4411 (a) each state executive branch agency that administers a program, provides a service,
4412 or manages applicable information described in Subsection (2);
4413 (b) the Utah League of Cities and Towns;
4414 (c) the Utah Association of Counties; and
4415 (d) other appropriate state executive branch agencies.
4416 (5) The [~~department~~] division shall ensure that the single sign-on citizen portal is fully
4417 operational no later than January 1, 2025.
4418 Section 100. Section **63A-16-804**, which is renumbered from Section 63F-3-104 is
4419 renumbered and amended to read:
4420 **[~~63F-3-104~~]. 63A-16-804. Report.**
4421 (1) The [~~department~~] division shall report to the Public Utilities, Energy, and
4422 Technology Interim Committee before November 30 of each year regarding:
4423 (a) the progress the [~~department~~] division has made in developing the single sign-on
4424 business portal and the single sign-on citizen portal and, once that development is complete,
4425 regarding the operation of the single sign-on business portal and the single sign-on citizen

4426 portal;
4427 (b) the [~~department's~~] division's goals and plan for each of the next five years to fulfill
4428 the [~~department's~~] division's responsibilities described in this part; and
4429 (c) whether the [~~department~~] division recommends any change to the single sign-on fee
4430 being charged under Section 13-1-2.
4431 (2) The Public Utilities, Energy, and Technology Interim Committee shall annually:
4432 (a) review the single sign-on fee being charged under Section 13-1-2;
4433 (b) determine whether the revenue from the single sign-on fee is adequate for designing
4434 and developing and then, once developed, operating and maintaining the single sign-on web
4435 portal; and
4436 (c) make any recommendation to the Legislature that the committee considers
4437 appropriate concerning:
4438 (i) the single sign-on fee; and
4439 (ii) the development or operation of the single sign-on business portal and the single
4440 sign-on citizen portal.
4441 Section 101. Section **63A-16-901**, which is renumbered from Section 63F-4-102 is
4442 renumbered and amended to read:
4443 **Part 9. Technology Innovation Act**
4444 **[~~63F-4-102~~]. 63A-16-901. Definitions.**
4445 As used in this [~~chapter~~] part:
4446 (1) "Executive branch agency" means a department, division, or other agency within
4447 the executive branch of state government.
4448 (2) "Governor's budget office" means the Governor's Office of Management and
4449 Budget, created in Section 63J-4-201.
4450 (3) "Review board" means the Architecture Review Board established within the
4451 department.
4452 (4) "Technology innovation" means a new information technology not previously in
4453 use or a substantial adaptation or modification of an existing information technology.

4454 (5) "Technology proposal" means a proposal to implement a technology innovation
4455 designed to result in a greater efficiency in a government process or a cost saving in the
4456 delivery of a government service, or both.
4457 Section 102. Section **63A-16-902**, which is renumbered from Section 63F-4-201 is
4458 renumbered and amended to read:
4459 **[~~63F-4-201~~]. 63A-16-902. Submitting a technology proposal -- Review**
4460 **process.**
4461 (1) Multiple executive branch agencies may jointly submit to the chief information
4462 officer a technology proposal, on a form or in a format specified by the [~~department~~] division.
4463 (2) The chief information officer shall transmit to the review board each technology
4464 proposal the chief information officer determines meets the form or format requirements of the
4465 [~~department~~] division.
4466 (3) The review board shall:
4467 (a) conduct a technical review of a technology proposal transmitted by the chief
4468 information officer;
4469 (b) determine whether the technology proposal merits further review and consideration
4470 by the chief information officer, based on the technology proposal's likelihood to:
4471 (i) be capable of being implemented effectively; and
4472 (ii) result in greater efficiency in a government process or a cost saving in the delivery
4473 of a government service, or both; and
4474 (c) transmit a technology proposal to the chief information officer and to the governor's
4475 budget office, if the review board determines that the technology proposal merits further review
4476 and consideration by the chief information officer.
4477 Section 103. Section **63A-16-903**, which is renumbered from Section 63F-4-202 is
4478 renumbered and amended to read:
4479 **[~~63F-4-202~~]. 63A-16-903. Chief information officer review and approval**
4480 **of technology proposals.**
4481 (1) The chief information officer shall review and evaluate each technology proposal

4482 that the review board transmits to the chief information officer.
4483 (2) The chief information officer may approve and recommend that the [~~department~~]
4484 division provide funding from legislative appropriations for a technology proposal if, after the
4485 chief information officer's review and evaluation of the technology proposal:
4486 (a) the chief information officer determines that there is a reasonably good likelihood
4487 that the technology proposal:
4488 (i) is capable of being implemented effectively; and
4489 (ii) will result in greater efficiency in a government process or a cost saving in the
4490 delivery of a government service, or both; and
4491 (b) the chief information officer receives approval from the governor's budget office
4492 for the technology proposal.
4493 (3) The chief information officer may:
4494 (a) prioritize multiple approved technology proposals based on their relative likelihood
4495 of achieving the goals described in Subsection (2); and
4496 (b) recommend funding based on the chief information officer's prioritization under
4497 Subsection (3)(a).
4498 (4) The [~~department~~] division shall:
4499 (a) track the implementation and success of a technology proposal approved by the
4500 chief information officer;
4501 (b) evaluate the level of the technology proposal's implementation effectiveness and
4502 whether the implementation results in greater efficiency in a government process or a cost
4503 saving in the delivery of a government service, or both; and
4504 (c) report the results of the [~~department's~~] division's tracking and evaluation:
4505 (i) to the chief information officer, as frequently as the chief information officer
4506 requests; and
4507 (ii) at least annually to the Public Utilities, Energy, and Technology Interim
4508 Committee.
4509 (5) The [~~department~~] division may expend money appropriated by the Legislature to

4510 pay for expenses incurred by executive branch agencies in implementing a technology proposal
4511 that the chief information officer has approved.
4512 Section 104. Section **63A-17-101**, which is renumbered from Section 67-19-1 is
4513 renumbered and amended to read:
4514 **CHAPTER 17. UTAH STATE PERSONNEL MANAGEMENT ACT**
4515 **Part 1. General Provisions**
4516 **[~~67-19-1~~]. 63A-17-101. Title.**
4517 This chapter [~~shall be known and may be cited~~] is known as the "Utah State Personnel
4518 Management Act."
4519 Section 105. Section **63A-17-102**, which is renumbered from Section 67-19-3 is
4520 renumbered and amended to read:
4521 **[~~67-19-3~~]. 63A-17-102. Definitions.**
4522 As used in this chapter:
4523 (1) "Agency" means any department or unit of Utah state government with authority to
4524 employ personnel.
4525 (2) "Career service" means positions under schedule B as defined in Section [~~67-19-15~~]
4526 63A-17-301.
4527 (3) "Career service employee" means an employee who has successfully completed a
4528 probationary period of service in a position covered by the career service.
4529 (4) "Career service status" means status granted to employees who successfully
4530 complete probationary periods for competitive career service positions.
4531 (5) "Classified service" means those positions subject to the classification and
4532 compensation provisions of Section [~~67-19-12~~] 63A-17-307.
4533 (6) "Controlled substance" means controlled substance as defined in Section 58-37-2.
4534 (7) (a) "Demotion" means a disciplinary action resulting in a reduction of an
4535 employee's current actual wage.
4536 (b) "Demotion" does not mean:
4537 (i) a nondisciplinary movement of an employee to another position without a reduction

4538 in the current actual wage; or

4539 (ii) a reclassification of an employee's position under the provisions of Subsection

4540 [~~67-19-12~~] 63A-17-307(3) and rules made by the department.

4541 [~~(8) "Department" means the Department of Human Resource Management.~~]

4542 (8) "Director" means the director of the division.

4543 (9) "Disability" means a physical or mental disability as defined and protected under

4544 the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

4545 (10) "Division" means the Division of Human Resource Management, created in

4546 Section 63A-17-105.

4547 [~~(10)~~] (11) "Employee" means any individual in a paid status covered by the career

4548 service or classified service provisions of this chapter.

4549 [~~(11)~~] (12) "Examining instruments" means written or other types of proficiency tests.

4550 [~~(12) "Executive director," except where otherwise specified, means the executive~~

4551 ~~director of the Department of Human Resource Management.~~]

4552 (13) "Human resource function" means those duties and responsibilities specified:

4553 (a) under Section [~~67-19-6~~] 63A-17-106;

4554 (b) under rules of the [~~department~~] division; and

4555 (c) under other state or federal statute.

4556 (14) "Market comparability adjustment" means a salary range adjustment determined

4557 necessary through a market survey of salary data and other relevant information.

4558 (15) "Probationary employee" means an employee serving a probationary period in a

4559 career service position but who does not have career service status.

4560 (16) "Probationary period" means that period of time determined by the [~~department~~]

4561 division that an employee serves in a career service position as part of the hiring process before

4562 career service status is granted to the employee.

4563 (17) "Probationary status" means the status of an employee between the employee's

4564 hiring and the granting of career service status.

4565 (18) "Structure adjustment" means a [~~department~~] division modification of salary

4566 ranges.
4567 (19) "Temporary employee" means career service exempt employees described in
4568 Subsection [~~67-19-15~~] 63A-17-301(1)(q).
4569 (20) "Total compensation" means salaries and wages, bonuses, paid leave, group
4570 insurance plans, retirement, and all other benefits offered to state employees as inducements to
4571 work for the state.
4572 Section 106. Section **63A-17-103**, which is renumbered from Section 67-19-3.1 is
4573 renumbered and amended to read:
4574 **[~~67-19-3.1~~]. 63A-17-103. Principles guiding interpretation of chapter and**
4575 **adoption of rules.**
4576 (1) The [~~department~~] division shall establish a career service system designed in a
4577 manner that will provide for the effective implementation of the following merit principles:
4578 (a) recruiting, selecting, and advancing employees on the basis of their relative ability,
4579 knowledge, and skills, including open consideration of qualified applicants for initial
4580 appointment;
4581 (b) providing for equitable and competitive compensation;
4582 (c) training employees as needed to assure high-quality performance;
4583 (d) retaining employees on the basis of the adequacy of their performance and
4584 separating employees whose inadequate performance cannot be corrected;
4585 (e) fair treatment of applicants and employees in all aspects of human resource
4586 administration without regard to race, color, religion, sex, national origin, political affiliation,
4587 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;
4588 (f) providing information to employees regarding their political rights and the
4589 prohibited practices under the Hatch Act; and
4590 (g) providing a formal procedure for advancing grievances of employees:
4591 (i) without discrimination, coercion, restraint, or reprisal; and
4592 (ii) in a manner that is fair, expeditious, and inexpensive for the employee and the
4593 agency.

4594 (2) The principles in Subsection (1) shall govern interpretation and implementation of
4595 this chapter.
4596 Section 107. Section **63A-17-104**, which is renumbered from Section 67-19-4 is
4597 renumbered and amended to read:
4598 **[~~67-19-4~~]. 63A-17-104. Discriminatory or prohibited employment practices.**
4599 The state, [~~its~~] the state's officers, and employees shall be governed by the provisions of
4600 Section 34A-5-106 of the Utah Antidiscrimination Act concerning discriminatory or prohibited
4601 employment practices.
4602 Section 108. Section **63A-17-105**, which is renumbered from Section 67-19-5 is
4603 renumbered and amended to read:
4604 **[~~67-19-5~~]. 63A-17-105. Division of Human Resource Management created --**
4605 **Director -- Staff.**
4606 (1) There is created [~~the Department~~] within the department, the Division of Human
4607 Resource Management.
4608 (2) (a) The [~~department~~] division shall be administered by [~~an executive~~] a director
4609 appointed by the [~~governor with the consent of the Senate~~] executive director, with the
4610 approval of the governor.
4611 (b) The [~~executive~~] director shall be a person with experience in human resource
4612 management and shall be accountable to the [~~governor for the~~] executive director for the
4613 director's performance in office.
4614 [~~(3) The executive director may:~~]
4615 [~~(a) appoint a personal secretary and a deputy director, both of whom shall be exempt~~
4616 ~~from career service; and~~]
4617 [~~(b) appoint division directors and program managers who may be career service~~
4618 ~~exempt.~~]
4619 [~~(4) (a) The executive director shall have full responsibility and accountability for the~~
4620 ~~administration of the statewide human resource management system.~~]
4621 [~~(b) Except as provided in Section 67-19-6.1, an agency may not perform human~~

4622 ~~resource functions without the consent of the executive director.~~]
4623 [~~(5) Statewide human resource management rules adopted by the Department of~~
4624 ~~Human Resource Management in accordance with Title 63G, Chapter 3, Utah Administrative~~
4625 ~~Rulemaking Act, shall take precedence if there is a conflict with agency rules, policies, or~~
4626 ~~practices.~~]
4627 [~~(6) The department may operate as an internal service fund agency in accordance with~~
4628 ~~Section 63J-1-410 for the human resource functions the department provides.~~]
4629 (3) The director shall advise the governor on human resource matters.
4630 Section 109. Section **63A-17-106**, which is renumbered from Section 67-19-6 is
4631 renumbered and amended to read:
4632 **[~~67-19-6~~]. 63A-17-106. Responsibilities of the director.**
4633 (1) The director shall have full responsibility and accountability for the administration
4634 of the statewide human resource management system.
4635 (2) Except as provided in Section 63A-17-201, an agency may not perform human
4636 resource functions without the consent of the director.
4637 (3) Statewide human resource management rules adopted by the division in accordance
4638 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take precedence if there
4639 is a conflict with agency rules, policies, or practices.
4640 (4) The division may operate as an internal service fund agency in accordance with
4641 Section 63J-1-410 for the human resource functions the division provides.
4642 [~~(1)~~] (5) The [~~executive~~] director shall:
4643 (a) develop, implement, and administer a statewide program of human resource
4644 management that will:
4645 (i) aid in the efficient execution of public policy;
4646 (ii) foster careers in public service for qualified employees; and
4647 (iii) render assistance to state agencies in performing their missions;
4648 (b) design and administer the state pay plan;
4649 (c) design and administer the state classification system and procedures for determining

4650 schedule assignments;
4651 (d) design and administer the state recruitment and selection system;
4652 (e) administer agency human resource practices and ensure compliance with federal
4653 law, state law, and state human resource rules, including equal employment opportunity;
4654 (f) consult with agencies on decisions concerning employee corrective action and
4655 discipline;
4656 (g) maintain central personnel records;
4657 (h) perform those functions necessary to implement this chapter unless otherwise
4658 assigned or prohibited;
4659 (i) perform duties assigned by the governor, executive director, or statute;
4660 (j) adopt rules for human resource management according to the procedures of Title
4661 63G, Chapter 3, Utah Administrative Rulemaking Act;
4662 (k) establish and maintain a management information system that will furnish the
4663 governor, the Legislature, and agencies with current information on authorized positions,
4664 payroll, and related matters concerning state human resources;
4665 (l) conduct research and planning activities to:
4666 (i) determine and prepare for future state human resource needs;
4667 (ii) develop methods for improving public human resource management; and
4668 (iii) propose needed policy changes to the governor;
4669 (m) study the character, causes, and extent of discrimination in state employment and
4670 develop plans for its elimination through programs consistent with federal and state laws
4671 governing equal employment opportunity in employment;
4672 (n) when requested by charter schools or counties, municipalities, and other political
4673 subdivisions of the state, provide technical service, training recommendations, or advice on
4674 human resource management at a charge determined by the [~~executive~~] director;
4675 (o) establish compensation policies and procedures for early voluntary retirement;
4676 (p) confer with the heads of other agencies about human resource policies and
4677 procedures;

4678 (q) submit an annual report to the executive director, the governor, and the Legislature;
4679 and
4680 (r) assist with the development of a vacant position report required under Subsection
4681 63J-1-201(2)(b)(vi).
4682 [~~(2)~~] (6) (a) After consultation with the executive director, the governor, and the heads
4683 of other agencies, the [~~executive~~] director shall establish and coordinate statewide training
4684 programs, including and subject to available funding, the development of manager and
4685 supervisor training.
4686 (b) The programs developed under this Subsection [~~(2)~~] (6) shall have application to
4687 more than one agency.
4688 (c) The [~~department~~] division may not establish training programs that train employees
4689 to perform highly specialized or technical jobs and tasks.
4690 (d) The [~~department~~] division shall ensure that any training program described in this
4691 Subsection [~~(2)~~] (6) complies with Title 63G, Chapter 22, State Training and Certification
4692 Requirements.
4693 [~~(3)~~] (7) (a) (i) The [~~department~~] division may collect fees for training as authorized by
4694 this Subsection [~~(3)~~] (7).
4695 (ii) Training funded from General Fund appropriations shall be treated as a separate
4696 program within the department budget.
4697 (iii) All money received from fees under this section will be accounted for by the
4698 department as a separate user driven training program.
4699 (iv) The user training program includes the costs of developing, procuring, and
4700 presenting training and development programs, and other associated costs for these programs.
4701 (b) (i) Funds remaining at the end of the fiscal year in the user training program are
4702 nonlapsing.
4703 (ii) Each year, as part of the appropriations process, the Legislature shall review the
4704 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require
4705 the department to lapse a portion of the funds.

4706 Section 110. Section **63A-17-107** is enacted to read:

4707 **63A-17-107. Services and fees -- Submission to rate committee.**

4708 The director shall, before charging a fee for services provided by the division's internal
4709 service fund to an executive branch agency:

4710 (1) submit the proposed rates, fees, and cost analysis to the rate committee established
4711 in Section 63A-1-114; and

4712 (2) obtain the approval of the Legislature as required under Section 63J-1-410.

4713 Section 111. Section **63A-17-108**, which is renumbered from Section 67-19-26 is
4714 renumbered and amended to read:

4715 **[~~67-19-26~~]. 63A-17-108. Severability of provisions -- Compliance with**
4716 **requirements for federally aided programs.**

4717 (1) If any provision of this chapter or of any regulation or order issued thereunder or
4718 the application of any provision of this chapter to any person or circumstance is held invalid,
4719 the remainder of this chapter and the application of provision of this chapter or regulation or
4720 orders issued under it to persons or circumstances other than those to which it is held invalid
4721 shall still be regarded as having the force and effect of law.

4722 (2) If any part of this chapter is found to be in conflict with federal requirements which
4723 are a condition precedent to the allocation of federal funds to the state, the conflicting part of
4724 this chapter shall be inoperative solely to the extent of the conflict and with respect to the
4725 agencies directly affected, and such findings shall not affect the operation of the remainder of
4726 this chapter in its application to the agencies concerned.

4727 (3) Notwithstanding any provisions in this chapter to the contrary, no regulation shall
4728 be adopted which would deprive the state or any of its departments or institutions of federal
4729 grants or other forms of financial assistance, and the rules and regulations promulgated
4730 hereunder shall include standards, provisions, terms, and conditions for personnel engaged in
4731 the administration of federally aided programs, which shall, in all respects, comply with the
4732 necessary requirements for a qualified human resource system under the standards applicable to
4733 personnel engaged in the administration of federally aided programs.

4734 Section 112. Section **63A-17-201**, which is renumbered from Section 67-19-6.1 is
4735 renumbered and amended to read:
4736 **Part 2. Offices and Facilities**
4737 **[~~67-19-6.1~~]. 63A-17-201. Division field offices.**
4738 (1) The [~~executive director of the Department of Human Resource Management~~]
4739 director may establish a field office in an agency.
4740 (2) The [~~executive~~] director may assign an employee of the [~~department~~] division to act
4741 as field office staff.
4742 (3) The [~~executive~~] director and agency head shall sign an agreement, to be reviewed
4743 annually, that specifies:
4744 (a) the services to be provided by the [~~department~~] division;
4745 (b) the use of agency facilities and equipment by the field office;
4746 (c) protocols to resolve discrepancies between agency practice and [~~Department of~~
4747 ~~Human Resource Management~~] division policy; and
4748 (d) any other issue necessary for the proper functioning of the field office.
4749 (4) Unless otherwise provided for in the field office agreement, the agency shall:
4750 (a) assign responsibilities and duties to its employees;
4751 (b) conduct performance appraisals;
4752 (c) discipline [~~its~~] the agency's employees in consultation with the [~~department~~]
4753 division; and
4754 (d) maintain individual personnel records.
4755 Section 113. Section **63A-17-202**, which is renumbered from Section 67-19-11 is
4756 renumbered and amended to read:
4757 **[~~67-19-11~~]. 63A-17-202. Use of facilities -- Field office facilities cost allocation.**
4758 (1) [~~(a)~~] An agency or a political subdivision of the state shall allow the [~~department~~]
4759 division to use public buildings under the agency's of the political subdivision's control, and
4760 furnish heat, light, and furniture, for any examination, training, hearing, or investigation
4761 authorized by this chapter.

4762 [~~(b)~~] (2) An agency or political subdivision that allows the [~~department~~] division to use
4763 a public building under Subsection (1)[~~(a)~~] shall pay the cost of the [~~department's~~] division's
4764 use of the public building.
4765 [~~(2) The executive director shall:~~]
4766 [~~(a) prepare an annual budget request for the department;~~]
4767 [~~(b) submit the budget request to the governor and the Legislature; and~~]
4768 [~~(c) before charging a fee for services provided by the department's internal service~~
4769 ~~fund to an executive branch agency:~~]
4770 [~~(i) submit the proposed rates, fees, and cost analysis to the Rate Committee~~
4771 ~~established under Subsection (3); and~~]
4772 [~~(ii) obtain the approval of the Legislature as required under Section 63J-1-410.~~]
4773 [~~(3) (a) There is created a rate committee that shall consist of the executive directors of~~
4774 ~~seven state agencies that use services and pay rates to one of the department internal service~~
4775 ~~funds, or their designee, appointed by the governor for a two-year term.~~]
4776 [~~(b) (i) Of the seven executive agencies represented on the rate committee under~~
4777 ~~Subsection (3)(a), only one of the following may be represented on the committee, if at all, at~~
4778 ~~any one time:~~]
4779 [~~(A) the Governor's Office of Management and Budget;~~]
4780 [~~(B) the Division of Finance;~~]
4781 [~~(C) the Department of Administrative Services; or~~]
4782 [~~(D) the Department of Technology Services.~~]
4783 [~~(ii) The department may not have a representative on the rate committee.~~]
4784 [~~(c) (i) The rate committee shall elect a chair from the rate committee's members.~~]
4785 [~~(ii) Each member of the rate committee who is a state government employee and who~~
4786 ~~does not receive salary, per diem, or expenses from the member's agency for the member's~~
4787 ~~service on the rate committee shall receive no compensation, benefits, per diem, or expenses~~
4788 ~~for the member's service on the rate committee.~~]
4789 [~~(d) The department shall provide staff services to the rate committee.~~]

4790 [~~(4) (a) The department shall submit to the rate committee a proposed rate and fee~~
4791 ~~schedule for:~~]
4792 [~~(i) human resource management services rendered; and~~]
4793 [~~(ii) costs incurred by the Office of the Attorney General in defending the state in a~~
4794 ~~grievance under review by the Career Service Review Office.~~]
4795 [~~(b) The rate committee shall:~~]
4796 [~~(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public~~
4797 ~~Meetings Act;~~]
4798 [~~(ii) meet at least once each calendar year to:~~]
4799 [~~(A) discuss the service performance of each internal service fund;~~]
4800 [~~(B) review the proposed rate and fee schedules;~~]
4801 [~~(C) at the rate committee's discretion, approve, increase, or decrease the rate and fee~~
4802 ~~schedules described in Subsection (4)(b)(ii)(B); and~~]
4803 [~~(D) discuss any prior or potential adjustments to the service level received by state~~
4804 ~~agencies that pay rates to an internal service fund;~~]
4805 [~~(iii) recommend a proposed rate and fee schedule for the internal service fund to:~~]
4806 [~~(A) the Governor's Office of Management and Budget; and~~]
4807 [~~(B) each legislative appropriations subcommittee that, in accordance with Section~~
4808 ~~63J-1-410, approves the internal service fund rates, fees, and budget; and~~]
4809 [~~(iv) review and approve, increase or decrease an interim rate, fee, or amount when the~~
4810 ~~department begins a new service or introduces a new product between annual general sessions~~
4811 ~~of the Legislature.~~]
4812 [~~(c) The committee may in accordance with Subsection 63J-1-410(4) decrease a rate,~~
4813 ~~fee, or amount that has been approved by the Legislature.~~]
4814 Section 114. Section **63A-17-301**, which is renumbered from Section 67-19-15 is
4815 renumbered and amended to read:
4816 **Part 3. Classification and Career Service**
4817 **[~~67-19-15~~]. <u>63A-17-301.</u> Career service -- Exempt positions -- Schedules for**

4818 **civil service positions -- Coverage of career service provisions.**
4819 (1) Except as otherwise provided by law or by rules and regulations established for
4820 federally aided programs, the following positions are exempt from the career service provisions
4821 of this chapter and are designated under the following schedules:
4822 (a) schedule AA includes the governor, members of the Legislature, and all other
4823 elected state officers;
4824 (b) schedule AB includes appointed executives and board or commission executives
4825 enumerated in Section 67-22-2;
4826 (c) schedule AC includes all employees and officers in:
4827 (i) the office and at the residence of the governor;
4828 (ii) the Public Lands Policy Coordinating Council;
4829 (iii) the Office of the State Auditor; and
4830 (iv) the Office of the State Treasurer;
4831 (d) schedule AD includes employees who:
4832 (i) are in a confidential relationship to an agency head or commissioner; and
4833 (ii) report directly to, and are supervised by, a department head, commissioner, or
4834 deputy director of an agency or its equivalent;
4835 (e) schedule AE includes each employee of the State Board of Education that the State
4836 Board of Education designates as exempt from the career service provisions of this chapter;
4837 (f) schedule AG includes employees in the Office of the Attorney General who are
4838 under their own career service pay plan under Sections 67-5-7 through 67-5-13;
4839 (g) schedule AH includes:
4840 (i) teaching staff of all state institutions; and
4841 (ii) employees of the Utah Schools for the Deaf and the Blind who are:
4842 (A) educational interpreters as classified by the [~~department~~] division; or
4843 (B) educators as defined by Section 53E-8-102;
4844 (h) schedule AN includes employees of the Legislature;
4845 (i) schedule AO includes employees of the judiciary;

4846 (j) schedule AP includes all judges in the judiciary;
4847 (k) schedule AQ includes:
4848 (i) members of state and local boards and councils appointed by the governor and
4849 governing bodies of agencies;
4850 (ii) a water commissioner appointed under Section 73-5-1;
4851 (iii) other local officials serving in an ex officio capacity; and
4852 (iv) officers, faculty, and other employees of state universities and other state
4853 institutions of higher education;
4854 (l) schedule AR includes employees in positions that involve responsibility:
4855 (i) for determining policy;
4856 (ii) for determining the way in which a policy is carried out; or
4857 (iii) of a type not appropriate for career service, as determined by the agency head with
4858 the concurrence of the [~~executive~~] director;
4859 (m) schedule AS includes any other employee:
4860 (i) whose appointment is required by statute to be career service exempt;
4861 (ii) whose agency is not subject to this chapter; or
4862 (iii) whose agency has authority to make rules regarding the performance,
4863 compensation, and bonuses for its employees;
4864 (n) schedule AT includes employees of the [~~Department~~] Division of Technology
4865 Services, designated as executive/professional positions by the [~~executive~~] director of the
4866 [~~Department~~] Division of Technology Services with the concurrence of the [~~executive~~] director
4867 of the division;
4868 (o) schedule AU includes patients and inmates employed in state institutions;
4869 (p) employees of the Department of Workforce Services, designated as schedule AW:
4870 (i) who are temporary employees that are federally funded and are required to work
4871 under federally qualified merit principles as certified by the director; or
4872 (ii) for whom substantially all of their work is repetitive, measurable, or transaction
4873 based, and who voluntarily apply for and are accepted by the Department of Workforce

4874 Services to work in a pay for performance program designed by the Department of Workforce
4875 Services with the concurrence of the [~~executive~~] director of the division; and
4876 (q) for employees in positions that are temporary, seasonal, time limited, funding
4877 limited, or variable hour in nature, under schedule codes and parameters established by the
4878 [~~department~~] division by administrative rule.
4879 (2) The civil service shall consist of two schedules as follows:
4880 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).
4881 (ii) Removal from any appointive position under schedule A, unless otherwise
4882 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.
4883 (b) Schedule B is the competitive career service schedule, consisting of:
4884 (i) all positions filled through competitive selection procedures as defined by the
4885 [~~executive~~] director; or
4886 (ii) positions filled through a [~~department~~] division approved on-the-job examination
4887 intended to appoint a qualified person with a disability, or a veteran in accordance with Title
4888 71, Chapter 10, Veterans Preference.
4889 (3) (a) The [~~executive~~] director, after consultation with the heads of concerned
4890 executive branch departments and agencies and with the approval of the governor, shall
4891 allocate positions to the appropriate schedules under this section.
4892 (b) Agency heads shall make requests and obtain approval from the [~~executive~~]
4893 director before changing the schedule assignment and tenure rights of any position.
4894 (c) Unless the [~~executive~~] director's decision is reversed by the governor, when the
4895 [~~executive~~] director denies an agency's request, the [~~executive~~] director's decision is final.
4896 (4) (a) Compensation for employees of the Legislature shall be established by the
4897 directors of the legislative offices in accordance with Section 36-12-7.
4898 (b) Compensation for employees of the judiciary shall be established by the state court
4899 administrator in accordance with Section 78A-2-107.
4900 (c) Compensation for officers, faculty, and other employees of state universities and
4901 institutions of higher education shall be established as provided in Title 53B, Chapter 1,

4902 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of
4903 Higher Education.
4904 (d) Unless otherwise provided by law, compensation for all other schedule A
4905 employees shall be established by their appointing authorities, within ranges approved by, and
4906 after consultation with the [~~executive~~] director [~~of the Department of Human Resource~~
4907 ~~Management~~].
4908 (5) An employee who is in a position designated schedule AC and who holds career
4909 service status on June 30, 2010, shall retain the career service status if the employee:
4910 (a) remains in the position that the employee is in on June 30, 2010; and
4911 (b) does not elect to convert to career service exempt status in accordance with a rule
4912 made by the [~~department~~] division.
4913 Section 115. Section **63A-17-302**, which is renumbered from Section 67-19-15.1 is
4914 renumbered and amended to read:
4915 **[~~67-19-15.1~~]. 63A-17-302. Implementation of exempt status for Schedule**
4916 **AD and AR employees.**
4917 (1) As used in this section, "appointee" means:
4918 (a) a deputy director;
4919 (b) a division director;
4920 (c) any assistant directors and administrative assistants who report directly to a
4921 department head, deputy director, or their equivalent; and
4922 (d) any other person whose appointment is required by law to be approved by the
4923 governor.
4924 (2) After the effective date of this chapter, any new appointee is a merit exempt
4925 employee.
4926 (3) Notwithstanding the requirements of this chapter, any appointee who is currently a
4927 nonexempt employee does not lose that nonexempt status because of this chapter.
4928 (4) The [~~Department of Human Resource Management~~] division shall develop
4929 financial and other incentives to encourage appointees who are nonexempt to voluntarily

4930 convert to merit exempt status.

4931 Section 116. Section **63A-17-303**, which is renumbered from Section 67-19-15.6 is
4932 renumbered and amended to read:

4933 **[~~67-19-15.6~~]. 63A-17-303. Longevity salary increases.**

4934 (1) Except for those employees in schedules AB and AN, as provided under Section
4935 [~~67-19-15~~] 63A-17-301, and employees described in Subsection [~~67-19-15~~] 63A-17-301(1)(q),
4936 an employee shall receive an increase in salary of 2.75% if that employee:

4937 (a) holds a position under schedule A or B as provided under Section [~~67-19-15~~]
4938 63A-17-301;

4939 (b) has reached the maximum of the salary range in the position classification;

4940 (c) has been employed with the state for eight years; and

4941 (d) is rated eligible in job performance under guidelines established by the executive
4942 director.

4943 (2) Any employee who meets the criteria under Subsection (1) is entitled to the same
4944 increase in salary for each additional three years of employment if the employee maintains the
4945 eligibility standards established by the [~~department~~] division.

4946 Section 117. Section **63A-17-304**, which is renumbered from Section 67-19-15.7 is
4947 renumbered and amended to read:

4948 **[~~67-19-15.7~~]. 63A-17-304. Promotion -- Reclassification -- Market**
4949 **adjustment.**

4950 (1) (a) If an employee is promoted or the employee's position is reclassified to a higher
4951 salary range maximum, the agency shall place the employee within the new range of the
4952 position.

4953 (b) An agency may not set an employee's salary:

4954 (i) higher than the maximum in the new salary range; and

4955 (ii) lower than the minimum in the new salary range of the position.

4956 (c) Except for an employee described in Subsection [~~67-19-15~~] 63A-17-301(1)(q), the
4957 agency shall grant a salary increase of at least 5% to an employee who is promoted.

4958 (2) An agency shall adjust the salary range for an employee whose salary range is
4959 approved by the Legislature for a market comparability adjustment consistent with Subsection
4960 [~~67-19-12~~] 63A-17-307(5)(b)(i):
4961 (a) at the beginning of the next fiscal year; and
4962 (b) consistent with appropriations made by the Legislature.
4963 (3) [~~Department-initiated~~] Division-initiated revisions in the state classification system
4964 that result in consolidation or reduction of class titles or broadening of pay ranges:
4965 (a) may not be regarded as a reclassification of the position or promotion of the
4966 employee; and
4967 (b) are exempt from the provisions of Subsection (1).
4968 Section 118. Section **63A-17-305**, which is renumbered from Section 67-19-16 is
4969 renumbered and amended to read:
4970 **[~~67-19-16~~]. 63A-17-305. Appointments to Schedule B positions -- Examinations**
4971 **-- Hiring lists -- Probationary service -- Dismissal.**
4972 (1) Each appointment to a position under Schedule B shall be made from hiring lists of
4973 applicants who have been selected by competitive procedures as defined by the [~~executive~~]
4974 director.
4975 (2) The [~~executive~~] director shall publicly announce information regarding career
4976 service positions:
4977 (a) for periods of time to be determined by the [~~executive~~] director; and
4978 (b) in a manner designed to attract the highest number of qualified applicants.
4979 (3) The [~~executive~~] director shall make rules establishing standards for the
4980 development, approval, and implementation of examining processes, including establishing a
4981 department approved on the job examination to appoint a qualified person with a disability.
4982 (4) Applicants for employment to Schedule B positions shall be eligible for
4983 appointment based upon rules established by the [~~executive~~] director.
4984 (5) (a) The agency head shall make appointments to fill vacancies from hiring lists for
4985 probationary periods as defined by rule.

4986 (b) The [~~executive~~] director shall make rules establishing probationary periods.
4987 (6) A person serving a probationary period may not use the grievance procedures
4988 provided in this chapter and in Title 67, Chapter 19a, Grievance Procedures, and may be
4989 dismissed at any time by the appointing officer without hearing or appeal.
4990 (7) Career service status shall be granted upon the successful completion of the
4991 probationary period.
4992 Section 119. Section **63A-17-306**, which is renumbered from Section 67-19-18 is
4993 renumbered and amended to read:
4994 **[~~67-19-18~~]. 63A-17-306. Dismissals and demotions -- Grounds -- Disciplinary**
4995 **action -- Procedure -- Reductions in force.**
4996 (1) A career service employee may be dismissed or demoted:
4997 (a) to advance the good of the public service; or
4998 (b) for just causes, including inefficiency, incompetency, failure to maintain skills or
4999 adequate performance levels, insubordination, disloyalty to the orders of a superior,
5000 misfeasance, malfeasance, or nonfeasance in office.
5001 (2) An employee may not be dismissed because of race, sex, age, disability, national
5002 origin, religion, political affiliation, or other nonmerit factor including the exercise of rights
5003 under this chapter.
5004 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5005 [~~executive~~] director shall establish rules governing the procedural and documentary
5006 requirements of disciplinary dismissals and demotions.
5007 (4) If an agency head finds that a career service employee is charged with aggravated
5008 misconduct or that retention of a career service employee would endanger the peace and safety
5009 of others or pose a grave threat to the public interest, the employee may be suspended pending
5010 the administrative appeal to the department head as provided in Subsection (5).
5011 (5) (a) A career service employee may not be demoted or dismissed unless the
5012 department head or designated representative has complied with this subsection.
5013 (b) The department head or designated representative notifies the employee in writing

5014 of the reasons for the dismissal or demotion.
5015 (c) The employee has no less than five working days to reply and have the reply
5016 considered by the department head.
5017 (d) The employee has an opportunity to be heard by the department head or designated
5018 representative.
5019 (e) Following the hearing, the employee may be dismissed or demoted if the
5020 department head finds adequate cause or reason.
5021 (6) (a) Reductions in force required by inadequate funds, change of workload, or lack
5022 of work are governed by retention points established by the [~~executive~~] director.
5023 (b) Under those circumstances:
5024 (i) The agency head shall designate the category of work to be eliminated, subject to
5025 review by the [~~executive~~] director.
5026 (ii) Temporary and probationary employees shall be separated before any career service
5027 employee.
5028 (iii) (A) When more than one career service employee is affected, the employees shall
5029 be separated in the order of their retention points, the employee with the lowest points to be
5030 discharged first.
5031 (B) Retention points for each career service employee shall be computed according to
5032 rules established by the [~~executive~~] director, allowing appropriate consideration for proficiency
5033 and seniority in state government, including any active duty military service fulfilled
5034 subsequent to original state appointment.
5035 (c) (i) A career service employee who is separated in a reduction in force under this
5036 section shall be given preferential consideration when applying for a career service position.
5037 (ii) Preferential consideration under Subsection (6)(c)(i) applies only until the former
5038 career service employee accepts a career service position.
5039 (iii) The [~~executive~~] director shall make rules in accordance with Title 63G, Chapter 3,
5040 Utah Administrative Rulemaking Act, concerning the manner of granting preferential
5041 consideration under Subsection (6)(c)(i).

5042 (d) (i) An employee separated due to a reduction in force may appeal to the department
5043 head for an administrative review.
5044 (ii) The notice of appeal must be submitted within 20 working days after the
5045 employee's receipt of written notification of separation.
5046 (iii) The employee may appeal the decision of the department head according to the
5047 grievance and appeals procedure of this chapter and Title 67, Chapter 19a, Grievance
5048 Procedures.
5049 Section 120. Section **63A-17-307**, which is renumbered from Section 67-19-12 is
5050 renumbered and amended to read:
5051 **[~~67-19-12~~]. 63A-17-307. State pay plans -- Applicability of section --**
5052 **Exemptions -- Duties of director.**
5053 (1) (a) This section, and the rules adopted by the [~~department~~] division to implement
5054 this section, apply to each career and noncareer employee not specifically exempted under
5055 Subsection (2).
5056 (b) If not exempted under Subsection (2), an employee is considered to be in classified
5057 service.
5058 (2) The following employees are exempt from this section:
5059 (a) members of the Legislature and legislative employees;
5060 (b) members of the judiciary and judicial employees;
5061 (c) elected members of the executive branch and employees designated as schedule AC
5062 as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(c);
5063 (d) employees of the State Board of Education;
5064 (e) officers, faculty, and other employees of state institutions of higher education;
5065 (f) employees in a position that is specified by statute to be exempt from this
5066 Subsection (2);
5067 (g) employees in the Office of the Attorney General;
5068 (h) department heads and other persons appointed by the governor under statute;
5069 (i) schedule AS employees as provided under Subsection [~~67-19-15~~]

5070 63A-17-301(1)(m);
5071 (j) department deputy directors, division directors, and other employees designated as
5072 schedule AD as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(d);
5073 (k) employees that determine and execute policy designated as schedule AR as
5074 provided under Subsection [~~67-19-15~~] 63A-17-301(1)(l);
5075 (l) teaching staff, educational interpreters, and educators designated as schedule AH as
5076 provided under Subsection [~~67-19-15~~] 63A-17-301(1)(g);
5077 (m) temporary employees described in Subsection [~~67-19-15~~] 63A-17-301(1)(q);
5078 (n) patients and inmates designated as schedule AU as provided under Subsection
5079 [~~67-19-15~~] 63A-17-301(1)(o) who are employed by state institutions; and
5080 (o) members of state and local boards and councils and other employees designated as
5081 schedule AQ as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(k).
5082 (3) (a) The [~~executive~~] director shall prepare, maintain, and revise a position
5083 classification plan for each employee position not exempted under Subsection (2) to provide
5084 equal pay for equal work.
5085 (b) Classification of positions shall be based upon similarity of duties performed and
5086 responsibilities assumed, so that the same job requirements and the same salary range may be
5087 applied equitably to each position in the same class.
5088 (c) The [~~executive~~] director shall allocate or reallocate the position of each employee in
5089 classified service to one of the classes in the classification plan.
5090 (d) (i) The [~~department~~] division shall conduct periodic studies and interviews to
5091 provide that the classification plan remains reasonably current and reflects the duties and
5092 responsibilities assigned to and performed by employees.
5093 (ii) The [~~executive~~] director shall determine the need for studies and interviews after
5094 considering factors such as changes in duties and responsibilities of positions or agency
5095 reorganizations.
5096 (4) (a) With the approval of the executive director and the governor, the [~~executive~~]
5097 director shall develop and adopt pay plans for each position in classified service.

5098 (b) The [~~executive~~] director shall design each pay plan to achieve, to the degree that
5099 funds permit, comparability of state salary ranges to the market using data obtained from
5100 private enterprise and other public employment for similar work.
5101 (c) The [~~executive~~] director shall adhere to the following in developing each pay plan:
5102 (i) [~~Each~~] each pay plan shall consist of sufficient salary ranges to:
5103 (A) permit adequate salary differential among the various classes of positions in the
5104 classification plan; and
5105 (B) reflect the normal growth and productivity potential of employees in that class.
5106 (ii) The [~~executive~~] director shall issue rules for the administration of pay plans.
5107 (d) The establishing of a salary range is a nondelegable activity and is not appealable
5108 under the grievance procedures of [~~Sections 67-19-30 through 67-19-32, Chapter 19a,~~
5109 ~~Grievance Procedures~~] Part 6, Grievance Provisions, Title 67, Chapter 19a, Grievance
5110 Provisions, or otherwise.
5111 (e) The [~~executive~~] director shall issue rules providing for:
5112 (i) agency approved salary adjustments within approved salary ranges, including an
5113 administrative salary adjustment;
5114 (ii) legislatively approved salary adjustments within approved salary ranges, including
5115 a merit increase, subject to Subsection (4)(f), or general increase; and
5116 (iii) structure adjustments that modify salary ranges, including a cost of living
5117 adjustment or market comparability adjustment.
5118 (f) A merit increase shall be granted on a uniform and consistent basis to each
5119 employee who receives a rating of "successful" or higher in an annual evaluation of the
5120 employee's productivity and performance.
5121 (5) (a) [~~By~~] On or before October 31 of each year, the [~~executive~~] director shall submit
5122 an annual compensation plan to the executive director and the governor for consideration in the
5123 executive budget.
5124 (b) The plan described in Subsection (5)(a) may include recommendations, including:
5125 (i) salary increases that generally affect employees, including a general increase or

5126 merit increase;
5127 (ii) salary increases that address compensation issues unique to an agency or
5128 occupation;
5129 (iii) structure adjustments, including a cost of living adjustment or market
5130 comparability adjustment; or
5131 (iv) changes to employee benefits.
5132 (c) (i) (A) Subject to Subsection (5)(c)(i)(B) or (C), the [~~executive~~] director shall
5133 incorporate the results of a salary survey of a reasonable cross section of comparable positions
5134 in private and public employment in the state into the annual compensation plan.
5135 (B) The salary survey for a law enforcement officer, as defined in Section 53-13-103, a
5136 correctional officer, as defined in Section 53-13-104, or a dispatcher, as defined in Section
5137 53-6-102, shall at minimum include the three largest political subdivisions in the state that
5138 employ, respectively, comparable positions.
5139 (C) The salary survey for an examiner or supervisor described in Title 7, Chapter 1,
5140 Part 2, Department of Financial Institutions, shall at minimum include the Federal Deposit
5141 Insurance Corporation, Federal Reserve, and National Credit Union Administration.
5142 (ii) The [~~executive~~] director may cooperate with or participate in any survey conducted
5143 by other public and private employers.
5144 (iii) The [~~executive~~] director shall obtain information for the purpose of constructing
5145 the survey from the Division of Workforce Information and Payment Services and shall include
5146 employer name, number of persons employed by the employer, employer contact information
5147 and job titles, county code, and salary if available.
5148 (iv) The [~~department~~] division shall acquire and protect the needed records in
5149 compliance with the provisions of Section 35A-4-312.
5150 (d) The [~~executive~~] director may incorporate any other relevant information in the plan
5151 described in Subsection (5)(a), including information on staff turnover, recruitment data, or
5152 external market trends.
5153 (e) The [~~executive~~] director shall:

5154 (i) establish criteria to assure the adequacy and accuracy of data used to make
5155 recommendations described in this Subsection (5); and
5156 (ii) when preparing recommendations use accepted methodologies and techniques
5157 similar to and consistent with those used in the private sector.
5158 (f) (i) Upon request and subject to Subsection (5)(f)(ii), the [~~department~~] division shall
5159 make available foundational information used by the [~~department~~] division or director in the
5160 drafting of a plan described in Subsection (5)(a), including:
5161 (A) demographic and labor market information;
5162 (B) information on employee turnover;
5163 (C) salary information;
5164 (D) information on recruitment; and
5165 (E) geographic data.
5166 (ii) The [~~department~~] division may not provide under Subsection (5)(f)(i) information
5167 or other data that is proprietary or otherwise protected under the terms of a contract or by law.
5168 (g) The governor shall:
5169 (i) consider salary and structure adjustments recommended under Subsection (5)(b) in
5170 preparing the executive budget and shall recommend the method of distributing the
5171 adjustments;
5172 (ii) submit compensation recommendations to the Legislature; and
5173 (iii) support the recommendation with schedules indicating the cost to individual
5174 departments and the source of funds.
5175 (h) If funding is approved by the Legislature in a general appropriations act, the
5176 adjustments take effect on the July 1 following the enactment unless otherwise indicated.
5177 (6) (a) The [~~executive~~] director shall issue rules for the granting of incentive awards,
5178 including awards for cost saving actions, awards for commendable actions by an employee, or
5179 a market-based award to attract or retain employees.
5180 (b) An agency may not grant a market-based award unless the award is previously
5181 approved by the [~~department~~] division.

5182 (c) In accordance with Subsection (6)(b), an agency requesting the [~~department's~~]
5183 division's approval of a market-based award shall submit a request and documentation, subject
5184 to Subsection (6)(d), to the [~~department~~] division.
5185 (d) In the documentation required in Subsection (6)(c), the requesting agency shall
5186 identify for the [~~department~~] division:
5187 (i) any benefit the market-based award would provide for the agency, including:
5188 (A) budgetary advantages; or
5189 (B) recruitment advantages;
5190 (ii) a mission critical need to attract or retain unique or hard to find skills in the market;
5191 or
5192 (iii) any other advantage the agency would gain through the utilization of a
5193 market-based award.
5194 (7) (a) The [~~executive~~] director shall regularly evaluate the total compensation program
5195 of state employees in the classified service.
5196 (b) The [~~department~~] division shall determine if employee benefits are comparable to
5197 those offered by other private and public employers using information from:
5198 (i) a study conducted by a third-party consultant; or
5199 (ii) the most recent edition of a nationally recognized benefits survey.
5200 Section 121. Section **63A-17-401**, which is renumbered from Section 67-19-13 is
5201 renumbered and amended to read:
5202 **Part 4. Payroll**
5203 **[~~67-19-13~~]. 63A-17-401. Examination of payrolls and certification of employee**
5204 **eligibility by the director.**
5205 (1) The [~~executive~~] director may examine payrolls at any time to determine conformity
5206 with this chapter and [~~the regulations~~] administrative rules.
5207 (2) No new employee shall be hired in a position covered by this chapter, and no
5208 employee shall be changed in pay, title or status, nor shall any employee be paid unless
5209 certified by the [~~executive~~] director as eligible under the provisions of or [~~regulations~~

5210 ~~promulgated~~] rules made pursuant to this chapter.

5211 Section 122. Section **63A-17-402**, which is renumbered from Section 67-19-13.5 is
5212 renumbered and amended to read:

5213 **[~~67-19-13.5~~]. 63A-17-402. Division provides payroll services to executive**
5214 **branch agencies -- Report.**

5215 (1) As used in this section:

5216 (a) (i) "Executive branch entity" means a department, division, agency, board, or office
5217 within the executive branch of state government that employs a person who is paid through the
5218 central payroll system developed by the Division of Finance as of December 31, 2011.

5219 (ii) "Executive branch entity" does not include:

5220 (A) the Office of the Attorney General;

5221 (B) the Office of the State Treasurer;

5222 (C) the Office of the State Auditor;

5223 (D) the Department of Transportation;

5224 (E) the [~~Department~~] Division of Technology Services;

5225 (F) the Department of Public Safety;

5226 (G) the Department of Natural Resources; or

5227 (H) the Utah Schools for the Deaf and the Blind.

5228 (b) (i) "Payroll services" means using the central payroll system as directed by the
5229 Division of Finance to:

5230 (A) enter and validate payroll reimbursements, which include reimbursements for
5231 mileage, a service award, and other wage types;

5232 (B) calculate, process, and validate a retirement;

5233 (C) enter a leave adjustment; and

5234 (D) certify payroll by ensuring an entry complies with a rule or policy adopted by the
5235 department or the Division of Finance.

5236 (ii) "Payroll services" does not mean:

5237 (A) a function related to payroll that is performed by an employee of the Division of

5238 Finance;
5239 (B) a function related to payroll that is performed by an executive branch agency on
5240 behalf of a person who is not an employee of the executive branch agency;
5241 (C) the entry of time worked by an executive branch agency employee into the central
5242 payroll system; or
5243 (D) approval or verification by a supervisor or designee of the entry of time worked.
5244 (2) The [~~department~~] division shall provide payroll services to all executive branch
5245 entities.
5246 (3) After September 19, 2012, an executive branch entity, other than the [~~department~~]
5247 division or the Division of Finance, may not create a full-time equivalent position or part-time
5248 position, or request an appropriation to fund a full-time equivalent position or part-time
5249 position for the purpose of providing payroll services to the entity.
5250 Section 123. Section **63A-17-403**, which is renumbered from Section 67-19-42 is
5251 renumbered and amended to read:
5252 **[~~67-19-42~~]. 63A-17-403. Employee cost disclosure.**
5253 The Division of Finance shall, at least annually, plainly disclose to all state employees
5254 the costs of compensation and benefits that are paid by the state in dollar figures.
5255 Section 124. Section **63A-17-501** is enacted to read:
5256 **Part 5. Hours and Leave**
5257 **63A-17-501. Definitions.**
5258 As used in this part:
5259 (1) "Continuing medical and life insurance benefits" means the state provided policy of
5260 medical insurance and the state provided portion of a policy of life insurance, each offered at
5261 the same:
5262 (a) benefit level and the same proportion of state/member participation in the total
5263 premium costs as an active member as defined in Section 49-11-102; and
5264 (b) coverage level for a member, two person, or family policy as provided to the
5265 member at the time of retirement.

5266 (2) "Converted sick leave" means leave that has been converted from unused sick leave
5267 in accordance with Section 63A-17-506 which may be used by an employee in the same
5268 manner as:
5269 (a) annual leave;
5270 (b) sick leave; or
5271 (c) unused accumulated sick leave after the employee's retirement for the purchase of
5272 continuing medical and life insurance benefits under Sections 63A-17-507, 63A-17-508, and
5273 63A-17-804.
5274 Section 125. Section **63A-17-502**, which is renumbered from Section 67-19-6.7 is
5275 renumbered and amended to read:
5276 **[~~67-19-6.7~~]. 63A-17-502. Overtime policies for state employees.**
5277 (1) As used in this section:
5278 (a) "Accrued overtime hours" means:
5279 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end
5280 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt
5281 state employee who accrued them; and
5282 (ii) for exempt employees, overtime hours earned during an overtime year.
5283 (b) "Appointed official" means:
5284 (i) each department executive director and deputy director, each division director, and
5285 each member of a board or commission; and
5286 (ii) any other person employed by a department who is appointed by, or whose
5287 appointment is required by law to be approved by, the governor and who:
5288 (A) is paid a salary by the state; and
5289 (B) who exercises managerial, policy-making, or advisory responsibility.
5290 (c) "Department" means the Department of [~~Administrative Services~~] Government
5291 Operations, the Department of Corrections, the Department of Financial Institutions, the
5292 Department of Alcoholic Beverage Control, the Insurance Department, the Public Service
5293 Commission, the Labor Commission, the Department of Agriculture and Food, the Department

5294 of Human Services, the Department of Natural Resources, [~~the Department of Technology~~
5295 ~~Services,~~] the Department of Transportation, the Department of Commerce, the Department of
5296 Workforce Services, the State Tax Commission, the Department of Heritage and Arts, the
5297 Department of Health, the National Guard, the Department of Environmental Quality, the
5298 Department of Public Safety, [~~the Department of Human Resource Management,~~] the
5299 Commission on Criminal and Juvenile Justice, all merit employees except attorneys in the
5300 Office of the Attorney General, merit employees in the Office of the State Treasurer, merit
5301 employees in the Office of the State Auditor, Department of Veterans and Military Affairs, and
5302 the Board of Pardons and Parole.
5303 (d) "Elected official" means any person who is an employee of the state because the
5304 person was elected by the registered voters of Utah to a position in state government.
5305 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
5306 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
5307 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
5308 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
5309 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
5310 compensation the nonexempt employee will receive for overtime.
5311 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by
5312 the [~~Department of Human Resource Management~~] division applying FLSA requirements.
5313 (i) "Overtime" means actual time worked in excess of the employee's defined work
5314 period.
5315 (j) "Overtime year" means the year determined by a department under Subsection
5316 (4)(b) at the end of which an exempt employee's accrued overtime lapses.
5317 (k) "State employee" means every person employed by a department who is not:
5318 (i) an appointed official;
5319 (ii) an elected official; or
5320 (iii) a member of a board or commission who is paid only for per diem or travel
5321 expenses.

5322 (l) "Uniform annual date" means the date when an exempt employee's accrued
5323 overtime lapses.
5324 (m) "Work period" means:
5325 (i) for all nonexempt employees, except law enforcement and hospital employees, a
5326 consecutive seven day 24 hour work period of 40 hours;
5327 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and
5328 (iii) for nonexempt law enforcement and hospital employees, the period established by
5329 each department by rule for those employees according to the requirements of the Fair Labor
5330 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
5331 (2) Each department shall compensate each state employee who works overtime by
5332 complying with the requirements of this section.
5333 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each
5334 nonexempt employee.
5335 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
5336 compensated for overtime by:
5337 (i) taking time off work at the rate of one and one-half hour off for each overtime hour
5338 worked; or
5339 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per
5340 hour that the state employee receives for nonovertime work.
5341 (c) Any nonexempt employee who elects to take time off under this Subsection (3)
5342 shall be paid for any overtime worked in excess of the cap established by the [~~Department of~~
5343 ~~Human Resource Management~~] division.
5344 (d) Before working any overtime, each nonexempt employee shall obtain authorization
5345 to work overtime from the employee's immediate supervisor.
5346 (e) Each department shall:
5347 (i) for employees who elect to be compensated with time off for overtime, allow
5348 overtime earned during a fiscal year to be accumulated; and
5349 (ii) for employees who elect to be paid for overtime worked, pay them for overtime

5350 worked in the paycheck for the pay period in which the employee worked the overtime.
5351 (f) If [~~the~~] a department pays a nonexempt employee for overtime, [~~the~~] that
5352 department shall charge that payment to [~~the~~] that department's budget.
5353 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
5354 overtime hours for nonexempt employees and charge that total against the appropriate fund or
5355 subfund.
5356 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall
5357 compensate exempt employees who work overtime by granting them time off at the rate of one
5358 hour off for each hour of overtime worked.
5359 (ii) The [~~executive~~] director of the [~~Department of Human Resource Management~~]
5360 division may grant limited exceptions to this requirement, where work circumstances dictate,
5361 by authorizing a department to pay employees for overtime worked at the rate per hour that the
5362 employee receives for nonovertime work, if [~~the~~] that department has funds available.
5363 (b) (i) Each department shall:
5364 (A) establish in its written human resource policies a uniform annual date for each
5365 division that is at the end of any pay period; and
5366 (B) communicate the uniform annual date to its employees.
5367 (ii) If any department fails to establish a uniform annual date as required by this
5368 Subsection (4), the [~~executive~~] director of the [~~Department of Human Resource Management~~]
5369 division, in conjunction with the director of the Division of Finance, shall establish the date for
5370 that department.
5371 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a
5372 benefit, and is not a vested right.
5373 (ii) A court may not construe the overtime for exempt employees authorized by this
5374 Subsection (4) as an entitlement, a benefit, or as a vested right.
5375 (d) At the end of the overtime year, upon transfer to another department at any time,
5376 and upon termination, retirement, or other situations where the employee will not return to
5377 work before the end of the overtime year:

5378 (i) any of an exempt employee's overtime that is more than the maximum established
5379 by [~~the Department of Human Resource Management~~] division rule lapses; and
5380 (ii) unless authorized by the [~~executive~~] director of the [~~Department of Human~~
5381 ~~Resource Management~~] division under Subsection (4)(a)(ii), a department may not compensate
5382 the exempt employee for that lapsed overtime by paying the employee for the overtime or by
5383 granting the employee time off for the lapsed overtime.
5384 (e) Before working any overtime, each exempt employee shall obtain authorization to
5385 work overtime from the exempt employee's immediate supervisor.
5386 (f) If [~~the~~] a department pays an exempt employee for overtime under authorization
5387 from the [~~executive~~] director of the [~~Department of Human Resource Management, the~~]
5388 division, that department shall charge that payment to [~~the~~] that department's budget in the pay
5389 period earned.
5390 (5) The [~~Department of Human Resource Management~~] division shall:
5391 (a) ensure that the provisions of the FLSA and this section are implemented throughout
5392 state government;
5393 (b) determine, for each state employee, whether that employee is exempt, nonexempt,
5394 law enforcement, or has some other status under the FLSA;
5395 (c) in coordination with modifications to the systems operated by the Division of
5396 Finance, make rules:
5397 (i) establishing procedures for recording overtime worked that comply with FLSA
5398 requirements;
5399 (ii) establishing requirements governing overtime worked while traveling and
5400 procedures for recording that overtime that comply with FLSA requirements;
5401 (iii) establishing requirements governing overtime worked if the employee is "on call"
5402 and procedures for recording that overtime that comply with FLSA requirements;
5403 (iv) establishing requirements governing overtime worked while an employee is being
5404 trained and procedures for recording that overtime that comply with FLSA requirements;
5405 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt

5406 employee may accrue before a department is required to pay the employee for the overtime
5407 worked;
5408 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
5409 exempt employee that do not lapse; and
5410 (vii) establishing procedures for adjudicating appeals of any FLSA determinations
5411 made by the [~~Department of Human Resource Management~~] division as required by this
5412 section;
5413 (d) monitor departments for compliance with the FLSA; and
5414 (e) recommend to the Legislature and the governor any statutory changes necessary
5415 because of federal government action.
5416 (6) (a) In coordination with the procedures for recording overtime worked established
5417 in rule by the [~~Department of Human Resource Management~~] division, the Division of Finance
5418 shall modify its payroll and human resource systems to accommodate those procedures.
5419 [~~(a)~~] (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
5420 Administrative Procedures Act, Section [~~67-19-31~~] 63A-17-602, and Section 67-19a-301, any
5421 employee who is aggrieved by the FLSA designation made by the [~~Department of Human~~
5422 ~~Resource Management~~] division as required by this section may appeal that determination to
5423 the [~~executive~~] director of the [~~Department of Human Resource Management~~] division by
5424 following the procedures and requirements established in [~~Department of Human Resource~~
5425 ~~Management~~] division rule.
5426 [~~(b)~~] (c) Upon receipt of an appeal under this section, the [~~executive~~] director shall
5427 notify the executive director of the employee's department that the appeal has been filed.
5428 [~~(c)~~] (d) If the employee is aggrieved by the decision of the [~~executive director of the~~
5429 ~~Department of Human Resource Management~~] director, the employee shall appeal that
5430 determination to the Department of Labor, Wage and Hour Division, according to the
5431 procedures and requirements of federal law.
5432 Section 126. Section **63A-17-503**, which is renumbered from Section 67-19-12.7 is
5433 renumbered and amended to read:

5434 **[~~67-19-12.7~~]. 63A-17-503. Accumulated annual leave -- Conversion to**
5435 **deferred compensation plan.**
5436 (1) The [~~department~~] division shall implement a program whereby an employee may,
5437 upon termination of employment or retirement, elect to convert any unused annual leave into
5438 any of the employee's designated deferred compensation accounts that:
5439 (a) are sponsored by the Utah State Retirement Board; and
5440 (b) are qualified under Section 401(k) or Section 457 of the Internal Revenue Code.
5441 (2) Any annual leave converted under Subsection (1) shall be converted into the
5442 employee's deferred compensation account at the employee's pay rate at the time of termination
5443 or retirement.
5444 (3) No employee may convert hours of accrued annual leave to the extent that any
5445 hours so converted would exceed the maximum amount authorized by the Internal Revenue
5446 Code for each calendar year.
5447 Section 127. Section **63A-17-504**, which is renumbered from Section 67-19-12.9 is
5448 renumbered and amended to read:
5449 **[~~67-19-12.9~~]. 63A-17-504. Accumulated annual leave -- Annual**
5450 **conversion to deferred compensation plan.**
5451 (1) If the Legislature in an annual appropriations act with accompanying intent
5452 language specifically authorizes and fully funds the estimated costs of this use, the
5453 [~~department~~] division shall implement a program that allows an employee, in the approved
5454 calendar year, to elect to convert up to 20 hours of annual leave, in whole hour increments not
5455 to exceed $250 in value, into any of the employee's designated deferred compensation accounts
5456 that:
5457 (a) are sponsored by the Utah State Retirement Board; and
5458 (b) are qualified under Section 401(k) or Section 457 of the Internal Revenue Code.
5459 (2) Any annual leave converted under Subsection (1) shall be:
5460 (a) converted into the employee's deferred compensation account at the employee's pay
5461 rate at the time of conversion; and

5462 (b) calculated in the last pay period of the leave year as determined by the Division of
5463 Finance.
5464 (3) An employee may not convert hours of accrued annual leave to the extent that any
5465 hours converted would:
5466 (a) exceed the maximum amount authorized by the Internal Revenue Code for the
5467 calendar year; or
5468 (b) cause the employee's balance of accumulated annual leave to drop below the
5469 maximum accrual limit provided by rule.
5470 Section 128. Section **63A-17-505**, which is renumbered from Section 67-19-14 is
5471 renumbered and amended to read:
5472 **[~~67-19-14~~]. 63A-17-505. Sick leave -- Definitions -- Unused sick days retirement**
5473 **programs -- Rulemaking.**
5474 [~~(1) As used in this section through Section 67-19-14.4:~~]
5475 [~~(a) "Continuing medical and life insurance benefits" means the state provided policy~~
5476 ~~of medical insurance and the state provided portion of a policy of life insurance, each offered at~~
5477 ~~the same:~~]
5478 [~~(i) benefit level and the same proportion of state/member participation in the total~~
5479 ~~premium costs as an active member as defined in Section 49-11-102; and~~]
5480 [~~(ii) coverage level for a member, two person, or family policy as provided to the~~
5481 ~~member at the time of retirement.~~]
5482 [~~(b) "Converted sick leave" means leave that has been converted from unused sick~~
5483 ~~leave in accordance with Section 67-19-14.1 which may be used by an employee in the same~~
5484 ~~manner as:~~]
5485 [~~(i) annual leave;~~]
5486 [~~(ii) sick leave; or~~]
5487 [~~(iii) unused accumulated sick leave after the employee's retirement for the purchase of~~
5488 ~~continuing medical and life insurance benefits under Sections 67-19-14.2, 67-19-14.3, and~~
5489 ~~67-19-14.4.~~]

5490 [~~(2)~~] (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
5491 Act, the [~~executive~~] director shall make rules:
5492 (a) for the procedures to implement the provisions of this section through Section
5493 [~~67-19-14.4~~] 63A-17-508; and
5494 (b) to establish the maximum number of hours of converted sick leave an employee
5495 may accrue.
5496 [~~(3)~~] (2) The Division of Finance shall develop and maintain a system of accounting
5497 for employee sick leave and converted sick leave as necessary to implement the provisions of
5498 this section through Section [~~67-19-14.4~~] 63A-17-508.
5499 Section 129. Section **63A-17-506**, which is renumbered from Section 67-19-14.1 is
5500 renumbered and amended to read:
5501 **[~~67-19-14.1~~]. 63A-17-506. Converted sick leave.**
5502 Converted sick leave hours that are not used prior to an employee's retirement date shall
5503 be used under the:
5504 (1) Unused Sick Leave Retirement Option Program I under Section [~~67-19-14.2~~]
5505 63A-17-507 if earned prior to January 1, 2006, unless the transfer is made under Subsection
5506 [~~67-19-14.4~~] 63A-17-508(1)(c); or
5507 (2) Unused Sick Leave Retirement Option Program II under Section [~~67-19-14.4~~]
5508 63A-17-508 if earned on or after January 1, 2006.
5509 Section 130. Section **63A-17-507**, which is renumbered from Section 67-19-14.2 is
5510 renumbered and amended to read:
5511 **[~~67-19-14.2~~]. 63A-17-507. Unused Sick Leave Retirement Option Program**
5512 **I -- Creation -- Payout upon eligibility for allowance -- Continuing medical and life**
5513 **insurance benefits after retirement.**
5514 (1) (a) There is created the "Unused Sick Leave Retirement Option Program I."
5515 (b) An agency may offer the Unused Sick Leave Retirement Option Program I to an
5516 employee who is eligible to receive a retirement allowance in accordance with Title 49, Utah
5517 State Retirement and Insurance Benefit Act.

5518 (2) The Unused Sick Leave Retirement Option Program I provides that upon becoming
5519 eligible to receive a retirement allowance an employee who was employed by the state prior to
5520 January 1, 2006:
5521 (a) receives a contribution under Subsection (3) for 25% of the employee's unused
5522 accumulated sick leave accrued prior to January 1, 2006, at the employee's rate of pay at the
5523 time of retirement; and
5524 (b) may purchase additional continuing medical and life insurance benefits in
5525 accordance with Subsection (4).
5526 (3) (a) Subject to federal requirements and limitations, the contribution under
5527 Subsection (2)(a) shall be transferred directly to the employee's defined contribution plan
5528 qualified under Section 401(k) of the Internal Revenue Code which is sponsored by the Utah
5529 State Retirement Board.
5530 (b) If the amount calculated under Subsection (2)(a) exceeds the federal contribution
5531 limitations, the employee's unused accumulated sick leave hours representing the excess shall
5532 be used for the purchase of continuing medical and life insurance benefits under Subsection
5533 (4).
5534 (4) (a) An employee may purchase continuing medical and life insurance benefits, at
5535 the rate of one month's coverage per policy for eight hours of unused sick leave remaining after
5536 the contribution of unused sick leave under Subsection (2)(a).
5537 (b) The medical coverage level for member, two person, or family coverage that is
5538 provided to the member at the time of retirement is the maximum coverage level available to
5539 the member under this program.
5540 (c) The purchase of continuing medical and life insurance benefits at the rate provided
5541 under Subsection (4)(a) may be used by the employee to extend coverage:
5542 (i) until the employee reaches the age of eligibility for Medicare; or
5543 (ii) if the employee has reached the age of eligibility for Medicare, continuing medical
5544 benefits for the employee's spouse may be purchased until the employee's spouse reaches the
5545 age of eligibility for Medicare.

5546 (d) An employee and the employee's spouse who are or who later become eligible for
5547 Medicare may purchase Medicare supplemental insurance at the rate of one month's coverage
5548 for eight hours of the employee's unused sick leave per person.
5549 (5) (a) The continuing medical and life insurance benefits purchased by an employee
5550 under Subsection (4):
5551 (i) may not be suspended or deferred for future use; and
5552 (ii) continues in effect until exhausted.
5553 (b) An employer participating in the Program I benefits under this section may not
5554 provide medical or life insurance benefits to a person who is:
5555 (i) reemployed after retirement; and
5556 (ii) receiving benefits under this section.
5557 Section 131. Section **63A-17-508**, which is renumbered from Section 67-19-14.4 is
5558 renumbered and amended to read:
5559 **[~~67-19-14.4~~]. 63A-17-508. Unused Sick Leave Retirement Program II --**
5560 **Creation -- Remuneration upon eligibility for allowance -- Medical expense account after**
5561 **retirement.**
5562 (1) (a) There is created the "Unused Sick Leave Retirement Program II."
5563 (b) An agency shall offer the Unused Sick Leave Retirement Option Program II to an
5564 employee who is eligible to receive a retirement allowance in accordance with Title 49, Utah
5565 State Retirement and Insurance Benefit Act.
5566 (c) An employee who is participating in the Unused Sick Leave Retirement Program I
5567 under Section [~~67-19-14.2~~] 63A-17-507 may make a one-time and irrevocable election to
5568 transfer all unused sick leave hours which shall include all converted sick leave hours under
5569 Section [~~67-19-14.1~~] 63A-17-506 for use under the Unused Sick Leave Retirement Program II
5570 under this section.
5571 (2) (a) The Unused Sick Leave Retirement Program II provides that upon becoming
5572 eligible to receive a retirement allowance an employee employed by the state between January
5573 1, 2006, and January 3, 2014, shall receive remuneration for the employee's unused

5574 accumulated sick leave and converted sick leave accrued between January 1, 2006, and January
5575 3, 2014, in accordance with this section as follows:
5576 (i) subject to federal requirements and limitations, a contribution at the employee's rate
5577 of pay at the time of retirement for 25% of the employee's unused accumulated sick leave and
5578 converted sick leave shall be transferred directly to the employee's defined contribution plan
5579 qualified under Section 401(k) of the Internal Revenue Code which is sponsored by the Utah
5580 State Retirement Board; and
5581 (ii) participation in a benefit plan that provides for reimbursement for medical
5582 expenses using money deposited at the employee's rate of pay at the time of retirement from
5583 remaining unused accumulated sick leave and converted sick leave balances.
5584 (b) If the amount calculated under Subsection (2)(a)(i) exceeds the federal contribution
5585 limitations, the amount representing the excess shall be deposited under Subsection (2)(a)(ii).
5586 (c) An employee's rate of pay at the time of retirement for purposes of Subsection
5587 (2)(a)(ii) may not be less than the average rate of pay of state employees who retired in the
5588 same retirement system under Title 49, Utah State Retirement and Insurance Benefit Act,
5589 during the previous calendar year.
5590 (3) The Utah State Retirement Office shall develop and maintain a program to provide
5591 a benefit plan that provides for reimbursement for medical expenses under Subsection (2)(a)(ii)
5592 with money deposited under Subsection (2)(a)(ii).
5593 Section 132. Section **63A-17-509**, which is renumbered from Section 67-19-14.5 is
5594 renumbered and amended to read:
5595 **[~~67-19-14.5~~]. 63A-17-509. Organ donor leave.**
5596 (1) An employee who serves as a bone marrow donor shall be granted a paid leave of
5597 absence of up to seven days that are necessary for the donation and recovery from the donation.
5598 (2) An employee who serves as a donor of a human organ shall be granted a paid leave
5599 of absence of up to 30 days that are necessary for the donation and recovery from the donation.
5600 (3) In recognition of National Donate Life Month, 2015, created by Proclamation No.
5601 9248, 80 F.R. 18511 (April 1, 2015), the department shall distribute an electronic message to

5602 each employee during the month of April publicizing the leave offered under this section.
5603 Section 133. Section **63A-17-510**, which is renumbered from Section 67-19-14.6 is
5604 renumbered and amended to read:
5605 **[~~67-19-14.6~~]. 63A-17-510. Annual leave -- Definitions -- Previously**
5606 **accrued hours -- Recognition of liability.**
5607 (1) As used in this section:
5608 (a) (i) "Annual leave II" means leave hours an employing agency provides to an
5609 employee, beginning on the change date established in Subsection (2), as time off from work
5610 for personal use without affecting the employee's pay.
5611 (ii) "Annual leave II" does not include:
5612 (A) legal holidays under Section 63G-1-301;
5613 (B) time off as compensation for actual time worked in excess of an employee's
5614 defined work period;
5615 (C) sick leave;
5616 (D) paid or unpaid administrative leave; or
5617 (E) other paid or unpaid leave from work provided by state statute, administrative rule,
5618 or by federal law or regulation.
5619 (b) "Change date" means the date established by the Division of Finance under
5620 Subsection (2) when annual leave II begins for a state agency.
5621 (2) In accordance with the Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5622 the Division of Finance shall establish a date that is no later than January 2, 2016, when a state
5623 agency shall offer annual leave II in lieu of annual leave to an employee who is eligible to
5624 receive paid leave.
5625 (3) An employing agency shall allow an employee who has an unused balance of
5626 accrued annual leave before the change date, to use the annual leave under the same rules that
5627 applied to the leave on the change date.
5628 (4) (a) At the time of employee accrual of annual leave II, an employing agency shall
5629 set aside the cost of each hour of annual leave II for each eligible employee in an amount

5630 determined in accordance with rules made by the Division of Finance.
5631 (b) The rules made under Subsection (4)(a) shall consider:
5632 (i) the employee hourly rate of pay;
5633 (ii) applicable employer paid taxes that would be required if the employee was paid for
5634 the annual leave II instead of using it for time off;
5635 (iii) other applicable employer paid benefits; and
5636 (iv) adjustments due to employee hourly rate changes, including the effect on accrued
5637 annual leave II balances.
5638 (c) The Division of Finance shall provide that the amount of costs set aside under
5639 Subsection (4)(a) and deposited into the fund increase by at least the projected increase in
5640 annual leave liability for that year, until the year-end trust fund balances are reached as required
5641 under Subsection 67-19f-201(3)(b).
5642 (5) The cost set aside under Subsection (4) shall be deposited by the Division of
5643 Finance into the State Employees' Annual Leave Trust Fund created in Section 67-19f-201.
5644 (6) For annual leave hours accrued before the change date, an employing agency shall
5645 continue to comply with the Division of Finance requirements for contributions to the
5646 termination pool.
5647 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
5648 (a) the [~~department~~] division shall make rules for the accrual and use of annual leave II
5649 provided under this section; and
5650 (b) the Division of Finance shall make rules for the set aside provisions under
5651 Subsections (4) and (5).
5652 Section 134. Section **63A-17-511 (Effective 07/01/21)**, which is renumbered from
5653 Section 67-19-14.7 (Effective 07/01/21) is renumbered and amended to read:
5654 **[~~67-19-14.7 (Effective 07/01/21)~~]. 63A-17-511 (Effective 07/01/21). Postpartum**
5655 **recovery leave.**
5656 (1) As used in this section:
5657 (a) "Eligible employee" means an employee who:

5658 (i) is in a position that receives retirement benefits under Title 49, Utah State
5659 Retirement and Insurance Benefit Act;
5660 (ii) accrues paid leave benefits that can be used in the current and future calendar years;
5661 (iii) is not reemployed as defined in Section 49-11-1202; and
5662 (iv) gives birth to a child.
5663 (b) "Postpartum recovery leave" means leave hours a state employer provides to an
5664 eligible employee to recover from childbirth.
5665 (c) "Retaliatory action" means to do any of the following to an employee:
5666 (i) dismiss the employee;
5667 (ii) reduce the employee's compensation;
5668 (iii) fail to increase the employee's compensation by an amount that the employee is
5669 otherwise entitled to or was promised;
5670 (iv) fail to promote the employee if the employee would have otherwise been
5671 promoted; or
5672 (v) threaten to take an action described in Subsections (1)(c)(i) through (iv).
5673 (d) (i) "State employer" means:
5674 (A) a state executive branch agency, including the State Tax Commission, the National
5675 Guard, and the Board of Pardons and Parole;
5676 (B) the legislative branch of the state; or
5677 (C) the judicial branch of the state.
5678 (ii) "State employer" does not include:
5679 (A) an institute of higher education;
5680 (B) the Utah Board of Higher Education;
5681 (C) the State Board of Education;
5682 (D) an independent entity as defined in Section 63E-1-102;
5683 (E) the Attorney General's Office;
5684 (F) the State Auditor's Office; or
5685 (G) the State Treasurer's Office.

5686 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible
5687 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work
5688 week for recovery from childbirth.
5689 (b) A state employer shall allow an eligible employee who is part-time or who works in
5690 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery
5691 leave available to the eligible employee under this section on a pro rata basis as adopted by rule
5692 by the [~~department~~] division under Subsection (11).
5693 (3) (a) Postpartum recovery leave described in Subsection (2):
5694 (i) shall be used starting on the day on which the eligible employee gives birth, unless a
5695 health care provider certifies that an earlier start date is medically necessary;
5696 (ii) shall be used in a single continuous period; and
5697 (iii) runs concurrently with any leave authorized under the Family and Medical Leave
5698 Act of 1993, 29 U.S.C. Sec. 2601 et seq.
5699 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not
5700 increase if an eligible employee has more than one child born from the same pregnancy.
5701 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the
5702 state employer notice at least 30 days before the day on which the eligible employee plans to:
5703 (i) begin using postpartum recovery leave under this section; and
5704 (ii) stop using postpartum recovery leave under this section.
5705 (b) If circumstances beyond the eligible employee's control prevent the eligible
5706 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall
5707 give each notice described in Subsection (4)(a) as soon as reasonably practicable.
5708 (5) A state employer may not charge postpartum recovery leave under this section
5709 against sick, annual, or other leave.
5710 (6) A state employer may not compensate an eligible employee for any unused
5711 postpartum recovery leave upon termination of employment.
5712 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave
5713 under this section, the state employer shall ensure that the eligible employee may return to:

5714 (i) the position that the eligible employee held before using postpartum recovery leave;
5715 or
5716 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
5717 and pay to the position that the eligible employee held before using postpartum recovery leave.
5718 (b) If during the time an eligible employee uses postpartum recovery leave under this
5719 section the state employer experiences a reduction in force and, as part of the reduction in
5720 force, the eligible employee would have been separated had the eligible employee not been
5721 using the postpartum recovery leave, the state employer may separate the eligible employee in
5722 accordance with any applicable process or procedure as if the eligible employee were not using
5723 the postpartum recovery leave.
5724 (8) During the time an eligible employee uses postpartum recovery leave under this
5725 section, the eligible employee shall continue to receive all employment related benefits and
5726 payments at the same level that the eligible employee received immediately before beginning
5727 the postpartum leave, provided that the eligible employee pays any required employee
5728 contributions.
5729 (9) A state employer may not:
5730 (a) interfere with or otherwise restrain an eligible employee from using postpartum
5731 recovery leave in accordance with this section; or
5732 (b) take retaliatory action against an eligible employee for using postpartum recovery
5733 leave in accordance with this section.
5734 (10) A state employer shall provide each employee written information regarding an
5735 eligible employee's right to use postpartum recovery leave under this section.
5736 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5737 the [~~department~~] division shall, by July 1, 2021, make rules for the use and administration of
5738 postpartum recovery leave under this section, including a schedule that provides paid or
5739 postpartum recovery leave for an eligible employee who is part-time or who works in excess of
5740 a 40-hour work week on a pro rata basis.
5741 Section 135. Section **63A-17-512**, which is renumbered from Section 67-19-27 is

5742 renumbered and amended to read:

5743 **[~~67-19-27~~]. 63A-17-512. Leave of absence with pay for employees with a**
5744 **disability who are covered under other civil service systems.**

5745 (1) As used in this section:

5746 (a) "Eligible officer" means a person who qualifies for a benefit under this section.

5747 (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an
5748 employee of a law enforcement agency that is part of or administered by the state, and whose
5749 primary and principal duties consist of the prevention and detection of crime and the
5750 enforcement of criminal statutes of this state.

5751 (ii) "Law enforcement officer" specifically includes the following:

5752 (A) the commissioner of public safety and any member of the Department of Public
5753 Safety certified as a peace officer;

5754 (B) all persons specified in Sections 23-20-1.5 and 79-4-501;

5755 (C) investigators for the Motor Vehicle Enforcement Division;

5756 (D) special agents or investigators employed by the attorney general;

5757 (E) employees of the Department of Natural Resources designated as peace officers by
5758 law;

5759 (F) the executive director of the Department of Corrections and any correctional
5760 enforcement or investigative officer designated by the executive director and approved by the
5761 commissioner of public safety and certified by the division; and

5762 (G) correctional enforcement, investigative, or adult probation and parole officers
5763 employed by the Department of Corrections serving on or before July 1, 1993.

5764 (c) "State correctional officer" means a correctional officer as defined in Section
5765 53-13-104 who is employed by the Department of Corrections.

5766 (2) (a) A law enforcement officer or state correctional officer who is injured in the
5767 course of employment shall be given a leave of absence with 100% of the officer's regular
5768 monthly salary and benefits during the period the employee has a temporary disability.

5769 (b) The benefit provided under Subsection (2)(a):

5770 (i) shall be offset as provided under Subsection (4); and
5771 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
5772 all offsets required under Subsection (4).
5773 (3) (a) A law enforcement officer or state correctional officer who has a total disability
5774 as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's
5775 regular monthly salary and benefits until the officer is eligible for an unreduced retirement
5776 under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age
5777 of 62 years, whichever occurs first, if:
5778 (i) the disability is a result of an injury sustained while in the lawful discharge of the
5779 officer's duties; and
5780 (ii) the injury is the result of:
5781 (A) a criminal act upon the officer; or
5782 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing
5783 the accident.
5784 (b) The benefit provided under Subsection (3)(a):
5785 (i) shall be offset as provided under Subsection (4); and
5786 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
5787 all offsets required under Subsection (4).
5788 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit
5789 provided under this section by any amount received by, or payable to, the eligible officer for
5790 the same period of time during which the eligible officer is entitled to receive a monthly
5791 disability benefit under this section.
5792 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5793 [~~department~~] division shall make rules establishing policies and procedures for the reductions
5794 required under Subsection (4)(a).
5795 Section 136. Section **63A-17-601**, which is renumbered from Section 67-19-30 is
5796 renumbered and amended to read:
5797 **Part 6. Grievance Provisions**

5798 **[~~67-19-30~~]. 63A-17-601. Grievance resolution -- Jurisdiction.**
5799 (1) Employees shall comply with the procedural and jurisdictional requirements of this
5800 section, Title 63G, Chapter 4, Administrative Procedures Act, and Chapter 19a, Grievance
5801 Procedures, in seeking resolution of grievances.
5802 (2) All grievances based upon a claim or charge of injustice or oppression, including
5803 dismissal from employment, resulting from an act, occurrence, commission, or condition shall
5804 be governed by Title 67, Chapter 19a, Grievance Procedures, and Title 63G, Chapter 4,
5805 Administrative Procedures Act.
5806 (3) All grievances involving classification shall be governed by Section [~~67-19-31~~]
5807 63A-17-602 and are designated as informal adjudicative proceedings as defined by Title 63G,
5808 Chapter 4, Administrative Procedures Act.
5809 (4) All grievances by applicants for positions in state government involving an alleged
5810 discriminatory or prohibited employment practice shall be governed by Section [~~67-19-32~~]
5811 63A-17-603 and Title 63G, Chapter 4, Administrative Procedures Act.
5812 (5) A "grievance" under this chapter is a request for agency action for purposes of Title
5813 63G, Chapter 4, Administrative Procedures Act.
5814 Section 137. Section **63A-17-602**, which is renumbered from Section 67-19-31 is
5815 renumbered and amended to read:
5816 **[~~67-19-31~~]. 63A-17-602. Position classification grievances -- Scope -- Procedure.**
5817 (1) (a) For the purpose of position classification grievances, the process that culminates
5818 in assigning a career service position to an appropriate class specification is a matter of position
5819 classification and may be grieved.
5820 (b) The process that culminates in assigning a salary range to the class specification is
5821 not a position classification and may not be grieved as a classification grievance.
5822 (2) (a) Upon receipt of a position classification grievance, the [~~executive~~] director shall
5823 refer the grievance to a classification panel of three or more impartial persons trained in state
5824 classification procedures.
5825 (b) The classification panel shall determine whether or not the classification

5826 assignment for career service positions was appropriate by applying the statutes, rules, and
5827 procedures adopted by the [~~department~~] division that were in effect at the time of the
5828 classification change.
5829 (c) The classification panel may:
5830 (i) obtain access to previous audits, classification decisions, and reports;
5831 (ii) request new or additional audits by human resource analysts; and
5832 (iii) consider new or additional information.
5833 (d) The classification panel may sustain or modify the original decision and, if
5834 applicable, recommend a new classification.
5835 (e) The classification panel shall report [~~its~~] the classification panel's recommendation
5836 to the [~~executive~~] director, who shall make the classification decision and notify the grievant.
5837 (3) (a) Either party may appeal the [~~executive~~] director's decision to an impartial
5838 hearing officer trained in state classification procedures selected through a public bid process
5839 by a panel consisting of the following members:
5840 [~~(i) the executive director of the Department of Human Resource Management;~~]
5841 (i) a current or former government employee with experience in human resource
5842 management;
5843 (ii) two department executive directors;
5844 (iii) a private sector human resources executive appointed by the governor; and
5845 (iv) a representative of the Utah Public Employees Association.
5846 (b) The successful bid shall serve under contract for no more than three years. At the
5847 end of that time, the [~~Department of Human Resource Management~~] division shall reissue the
5848 bid.
5849 (c) The hearing officer shall review the classification and make the final decision. The
5850 final decision is subject to judicial review pursuant to the provisions of Section 63G-4-402.
5851 Section 138. Section **63A-17-603**, which is renumbered from Section 67-19-32 is
5852 renumbered and amended to read:
5853 **[~~67-19-32~~]. 63A-17-603. Discriminatory/prohibited employment practices**

5854 **grievances -- Procedures.**
5855 (1) An applicant for a position in state government, a probationary employee, career
5856 service employee, or an exempt employee who alleges a discriminatory or prohibited
5857 employment practice as defined in Section 34A-5-106 may submit a written grievance to the
5858 department head where the alleged unlawful act occurred.
5859 (2) Within 10 working days after a written grievance is submitted under Subsection (1),
5860 the department head shall issue a written response to the grievance stating his decision and the
5861 reasons for the decision.
5862 (3) If the department head does not issue a decision within 10 days, or if the grievant is
5863 dissatisfied with the decision, the grievant may submit a complaint to the Division of
5864 Antidiscrimination and Labor, pursuant to Section 34A-5-107.
5865 Section 139. Section **63A-17-701**, which is renumbered from Section 67-19e-102 is
5866 renumbered and amended to read:
5867 **Part 7. Administrative Law Judges**
5868 **[~~67-19e-102~~]. 63A-17-701. Definitions.**
5869 In addition to the definitions found in Section [~~67-19-3, the following definitions apply~~
5870 ~~to this chapter~~] 63A-17-102, as used in this part:
5871 (1) (a) "Administrative law judge" means an individual who is employed or contracted
5872 by a state agency who:
5873 (i) presides over or conducts formal administrative hearings on behalf of an agency;
5874 (ii) has the power to administer oaths, rule on the admissibility of evidence, take
5875 testimony, evaluate evidence, and make determinations of fact; and
5876 (iii) issues written orders, rulings, or final decisions on behalf of an agency.
5877 (b) "Administrative law judge" does not mean:
5878 (i) an individual who reviews an order or ruling of an administrative law judge; or
5879 (ii) the executive director of a state agency.
5880 (2) "Committee" means the Administrative Law Judge Conduct Committee created in
5881 Section [~~67-19e-108~~] 63A-17-708.

5882 [~~(3) "Department" means the Department of Human Resource Management created in~~
5883 ~~Section 67-19-5.~~]
5884 [~~(4) "Executive director" means the executive director of the department.~~]
5885 Section 140. Section **63A-17-702**, which is renumbered from Section 67-19e-103 is
5886 renumbered and amended to read:
5887 **[~~67-19e-103~~]. 63A-17-702. Administrative law judges -- Applicability --**
5888 **Destruction of evidence.**
5889 (1) (a) Except as provided in Subsections (1)(b) and (2), the provisions of this [~~chapter~~]
5890 part apply to an administrative law judge who conducts formal adjudicative proceedings.
5891 (b) Except as provided in Subsection (2), the provisions of this [~~chapter~~] part do not
5892 apply to an administrative law judge who is employed by or contracts with:
5893 (i) the Board of Pardons and Parole;
5894 (ii) the Department of Corrections; or
5895 (iii) the State Tax Commission.
5896 (2) The code of conduct established by the [~~department~~] division under Subsection
5897 [~~67-19e-104~~] 63A-17-703(4) applies to all administrative law judges.
5898 (3) An administrative law judge who tampers with or destroys evidence submitted to
5899 the administrative law judge is subject to the provisions of Section 76-8-510.5. This section
5900 does not apply to documents destroyed in accordance with Title 63G, Chapter 2, Government
5901 Records Access and Management Act.
5902 Section 141. Section **63A-17-703**, which is renumbered from Section 67-19e-104 is
5903 renumbered and amended to read:
5904 **[~~67-19e-104~~]. 63A-17-703. Rulemaking authority.**
5905 The [~~department~~] division shall make rules, in accordance with Title 63G, Chapter 3,
5906 Utah Administrative Rulemaking Act:
5907 (1) establishing minimum performance standards for all administrative law judges;
5908 (2) providing procedures for filing, addressing, and reviewing complaints against
5909 administrative law judges;

5910 (3) providing standards for complaints against administrative law judges;
5911 (4) promulgating a code of conduct for all administrative law judges in all state
5912 agencies; and
5913 (5) establishing a procedural fairness training program as described in Section
5914 [~~67-19e-109~~] 63A-17-709.
5915 Section 142. Section **63A-17-704**, which is renumbered from Section 67-19e-104.5 is
5916 renumbered and amended to read:
5917 **[~~67-19e-104.5~~]. 63A-17-704. Hiring of administrative law judges.**
5918 (1) Except as provided in Subsection (6), each administrative law judge hired on or
5919 after May 10, 2016, shall be hired in accordance with this section.
5920 (2) If an applicant for an administrative law judge position is selected for an interview
5921 in accordance with applicable law and [~~department~~] division rule, the agency shall interview
5922 the applicant by means of a hiring panel.
5923 (3) The hiring panel described in Subsection (2) shall consist of:
5924 (a) the head of the hiring agency;
5925 (b) the head of another agency, appointed by the [~~executive~~] director; and
5926 (c) the [~~executive~~] director.
5927 (4) Each individual described in Subsection (3) may designate another individual to
5928 serve on the hiring panel on the individual's behalf.
5929 (5) After the hiring panel completes the interviews for an administrative law judge
5930 position:
5931 (a) the hiring panel shall select the top three applicants for the administrative law judge
5932 position; and
5933 (b) the head of the hiring agency shall:
5934 (i) consider any opinions or feedback from the other members of the hiring panel with
5935 respect to the top three applicants; and
5936 (ii) (A) hire an applicant from the top three applicants to fill the administrative law
5937 judge position; or

5938 (B) decide not to hire any of the top three applicants and restart the hiring process to
5939 fill the administrative law judge position.
5940 (6) This section does not apply to an administrative law judge who is appointed by the
5941 governor.
5942 Section 143. Section **63A-17-705**, which is renumbered from Section 67-19e-105 is
5943 renumbered and amended to read:
5944 **[~~67-19e-105~~]. 63A-17-705. Performance evaluation of administrative law**
5945 **judges.**
5946 (1) [~~Beginning January 1, 2014, the department~~] The division shall prepare a
5947 performance evaluation for each administrative law judge contracted or employed by a state
5948 agency.
5949 (2) The performance evaluation for an administrative law judge shall include:
5950 (a) the results of the administrative law judge's performance evaluations conducted by
5951 the employing agency since the administrative law judge's last performance evaluation
5952 conducted by the [~~department~~] division in accordance with the performance evaluation
5953 procedure for the agency;
5954 (b) information from the employing agency concerning the administrative law judge's
5955 compliance with minimum performance standards;
5956 (c) the administrative law judge's disciplinary record, if any;
5957 (d) the results of any performance surveys conducted since the administrative law
5958 judge's last performance review conducted by the [~~department~~] division; and
5959 (e) any other factor that the [~~department~~] division considers relevant to evaluating the
5960 administrative law judge's performance.
5961 (3) If an administrative law judge fails to meet the minimum performance standards the
5962 [~~department~~] division shall provide a copy of the performance evaluation and survey to the
5963 employing agency.
5964 (4) The [~~department~~] division shall conduct performance reviews every four years for
5965 administrative law judges contracted or employed by an agency.

5966 Section 144. Section **63A-17-706**, which is renumbered from Section 67-19e-106 is
5967 renumbered and amended to read:
5968 **[~~67-19e-106~~]. 63A-17-706. Performance surveys.**
5969 (1) [~~For administrative law judges contracted or employed before July 1, 2013,~~
5970 ~~performance surveys shall be conducted initially at either the two-, three-, or four-year mark~~
5971 ~~beginning January 1, 2014. By July 1, 2018, all~~] All administrative law judges shall be on a
5972 four-year staggered cycle for performance evaluations.
5973 (2) The performance survey shall include as respondents a sample of each of the
5974 following groups as applicable:
5975 (a) attorneys who have appeared before the administrative law judge as counsel; and
5976 (b) staff who have worked with the administrative law judge.
5977 (3) The [~~department~~] division may include an additional classification of respondents if
5978 the [~~department~~] division:
5979 (a) considers a survey of that classification of respondents helpful to the [~~department~~]
5980 division; and
5981 (b) establishes the additional classification of respondents by rule made in accordance
5982 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
5983 (4) A survey response is anonymous, including any comment included with a survey
5984 response.
5985 (5) If the [~~department~~] division provides any information to an administrative law
5986 judge or the committee, the information shall be provided in [~~such a way as~~] a manner to
5987 protect the confidentiality of a survey respondent.
5988 (6) If the [~~department~~] division establishes an additional classification, in accordance
5989 with Subsection (3), a survey shall be provided to a potential survey respondent within 30 days
5990 of the day on which the case in which the person appeared before the administrative law judge
5991 is closed, exclusive of any appeal. Staff and attorneys may be surveyed at any time during the
5992 survey period.
5993 (7) The performance survey shall include questions relating to whether the

5994 administrative law judge's behavior furthers the following elements of procedural fairness:
5995 (a) neutrality, including:
5996 (i) consistent and equal treatment of the individuals who appear before the
5997 administrative law judge;
5998 (ii) concern for the individual needs of the individuals who appear before the
5999 administrative law judge; and
6000 (iii) careful deliberation;
6001 (b) respectful treatment of others; and
6002 (c) providing individuals a voice and opportunity to be heard.
6003 (8) The performance survey may include questions concerning an administrative law
6004 judge's:
6005 (a) legal ability, including the following:
6006 (i) demonstration of understanding of the substantive law and any relevant rules of
6007 procedure and evidence;
6008 (ii) attentiveness to factual and legal issues before the administrative law judge;
6009 (iii) adherence to precedent and ability to clearly explain departures from precedent;
6010 (iv) grasp of the practical impact on the parties of the administrative law judge's
6011 rulings, including the effect of delay and increased litigation expense;
6012 (v) ability to write clear opinions and decisions; and
6013 (vi) ability to clearly explain the legal basis for opinions;
6014 (b) temperament and integrity, including the following:
6015 (i) demonstration of courtesy toward attorneys, staff, and others in the administrative
6016 law judge's department;
6017 (ii) maintenance of decorum in the courtroom;
6018 (iii) demonstration of judicial demeanor and personal attributes that promote public
6019 trust and confidence in the administrative law judge system;
6020 (iv) preparedness for oral argument;
6021 (v) avoidance of impropriety or the appearance of impropriety;

6022 (vi) display of fairness and impartiality toward all parties; and
6023 (vii) ability to clearly communicate, including the ability to explain the basis for
6024 written rulings, court procedures, and decisions; and
6025 (c) administrative performance, including the following:
6026 (i) management of workload;
6027 (ii) sharing proportionally the workload within the [~~department~~] division; and
6028 (iii) issuance of opinions and orders without unnecessary delay.
6029 (9) If the [~~department~~] division determines that a certain survey question or category of
6030 questions is not appropriate for a respondent group, the [~~department~~] division may omit that
6031 question or category of questions from the survey provided to that respondent group.
6032 (10) (a) The survey shall allow respondents to indicate responses in a manner
6033 determined by the [~~department~~] division, which shall be:
6034 (i) on a numerical scale from one to five; or
6035 (ii) in the affirmative or negative, with an option to indicate the respondent's inability
6036 to respond in the affirmative or negative.
6037 (b) To supplement the responses to questions on either a numerical scale or in the
6038 affirmative or negative, the [~~department~~] division may allow respondents to provide written
6039 comments.
6040 (11) The [~~department~~] division shall compile and make available to each
6041 administrative law judge that administrative law judge's survey results with each of the
6042 administrative law judge's performance evaluations.
6043 Section 145. Section **63A-17-707**, which is renumbered from Section 67-19e-107 is
6044 renumbered and amended to read:
6045 **[~~67-19e-107~~]. 63A-17-707. Complaints.**
6046 (1) A complaint against an administrative law judge shall be filed with the
6047 [~~department~~] division.
6048 (2) Upon receipt of a complaint, the [~~department~~] division shall conduct an
6049 investigation.

6050 (3) If the [~~department's~~] division's investigation determines that the complaint is
6051 frivolous or without merit, it may dismiss it without further action. A complaint that merely
6052 indicates disagreement, without further misconduct, with the administrative law judge's
6053 decision shall be treated as without merit.
6054 (4) The contents of all complaints and subsequent investigations are classified as
6055 protected under Title 63G, Chapter 2, Government Records Access and Management Act.
6056 Section 146. Section **63A-17-708**, which is renumbered from Section 67-19e-108 is
6057 renumbered and amended to read:
6058 **[~~67-19e-108~~]. 63A-17-708. Administrative Law Judge Conduct Committee.**
6059 (1) There is created the Administrative Law Judge Conduct Committee to investigate,
6060 review, and hear complaints filed against administrative law judges.
6061 (2) The committee shall be composed of:
6062 (a) the [~~executive~~] director, or the [~~executive~~] director's designee, as chair; and
6063 (b) four executive directors, or their designees, of agencies that employ or contract with
6064 administrative law judges, to be selected by the [~~executive~~] director as needed.
6065 (3) The [~~department~~] division shall provide staff for the committee as needed.
6066 Section 147. Section **63A-17-709**, which is renumbered from Section 67-19e-109 is
6067 renumbered and amended to read:
6068 **[~~67-19e-109~~]. 63A-17-709. Procedure for review of complaint by conduct**
6069 **committee.**
6070 (1) Upon a determination that a complaint requires further action, the [~~executive~~]
6071 director shall select four executive directors or their designees and convene the committee.
6072 The executive director of the agency that employs or contracts with the administrative law
6073 judge who is the subject of the complaint may not be a member of the committee.
6074 (2) The [~~department~~] division shall provide a copy of the complaint, along with the
6075 results of the [~~department's~~] division's investigation, to the committee and the administrative
6076 law judge who is the subject of the complaint. If the committee directs, a copy of the
6077 complaint and investigation may also be provided to the attorney general.

6078 (3) The committee shall allow an administrative law judge who is the subject of a
6079 complaint to appear and speak at any committee meeting, except a closed meeting, during
6080 which the committee is deliberating the complaint.
6081 (4) The committee may meet in a closed meeting to discuss a complaint against an
6082 administrative law judge by complying with Title 52, Chapter 4, Open and Public Meetings
6083 Act.
6084 (5) After deliberation and discussion of the complaint and all information provided, the
6085 committee shall provide a report, with a recommendation, to the agency. The recommendation
6086 shall include:
6087 (a) a brief description of the complaint and results of the [~~department's~~] division's
6088 investigation;
6089 (b) the committee's findings; and
6090 (c) a recommendation from the committee whether action should be taken against the
6091 administrative law judge.
6092 (6) Actions recommended by the committee may include no action, disciplinary action,
6093 termination, or any other action an employer may take against an employee.
6094 (7) The record of an individual committee member's vote on recommended actions
6095 against an administrative law judge is a protected record under Title 63G, Chapter 2,
6096 Government Records Access and Management Act.
6097 Section 148. Section **63A-17-710**, which is renumbered from Section 67-19e-110 is
6098 renumbered and amended to read:
6099 **[~~67-19e-110~~]. 63A-17-710. Required training.**
6100 (1) Each year that an administrative law judge receives a performance evaluation
6101 conducted by the [~~department~~] division under this chapter, the administrative law judge shall
6102 complete the procedural fairness training program described in this section.
6103 (2) The [~~department~~] division shall establish a procedural fairness training program
6104 that includes training on how an administrative law judge's actions and behavior influence
6105 others' perceptions of the fairness of the adjudicative process.

6106 (3) The procedural fairness training program shall include discussion of the following
6107 elements of procedural fairness:
6108 (a) neutrality, including:
6109 (i) consistent and equal treatment of the individuals who appear before the
6110 administrative law judge;
6111 (ii) concern for the individual needs of the individuals who appear before the
6112 administrative law judge; and
6113 (iii) unhurried and careful deliberation;
6114 (b) respectful treatment of others; and
6115 (c) providing individuals a voice and opportunity to be heard.
6116 (4) The [~~department~~] division may contract with a public or private person to develop
6117 or provide the procedural fairness training program.
6118 (5) The [~~department~~] division shall ensure that the procedural fairness training program
6119 complies with Title 63G, Chapter 22, State Training and Certification Requirements.
6120 Section 149. Section **63A-17-801**, which is renumbered from Section 67-19-6.3 is
6121 renumbered and amended to read:
6122 **Part 8. Plans and Programs**
6123 **[~~67-19-6.3~~]. 63A-17-801. Equal employment opportunity plan.**
6124 (1) In conjunction with the director's duties under Section [~~67-19-6~~] 63A-17-106, and
6125 notwithstanding the general prohibition in Subsection 34A-5-106(3)(c), the [~~executive~~] director
6126 shall prepare an equal employment opportunity plan for state employment consistent with the
6127 guidelines provided in federal equal employment opportunity laws and in related federal
6128 regulations.
6129 (2) The equal employment opportunity plan required by this section applies only to
6130 state career service employees described in Section [~~67-19-15~~] 63A-17-301.
6131 (3) The Legislature shall review the equal employment opportunity plan required by
6132 this section before it may be implemented.
6133 (4) Nothing in this section requires the establishment of hiring quotas or preferential

6134 treatment of any identifiable group.

6135 Section 150. Section **63A-17-802**, which is renumbered from Section 67-19-12.2 is
6136 renumbered and amended to read:

6137 **[~~67-19-12.2~~]. 63A-17-802. Education benefit plan for law enforcement and**
6138 **correctional officers.**

6139 [~~(1) As used in this section, "law enforcement officer" has the same meaning as in~~
6140 ~~Section 53-13-103 and "correctional officer" has the same meaning as in Section 53-13-104.~~]

6141 (1) As used in this section:

6142 (a) "Law enforcement officer" means the same as that term is defined in Section
6143 53-13-103.

6144 (b) "Correctional officer" means the same as that term is defined in Section 53-13-104.

6145 (2) The [~~executive~~] director shall establish a plan authorizing any agency to implement
6146 an educational compensation program for law enforcement officers and correctional officers
6147 employed by that agency.

6148 (3) The program shall provide that in order for a law enforcement officer or
6149 correctional officer to qualify for education benefits for college or university education, the law
6150 enforcement officer or correctional officer shall:

6151 (a) provide a certified transcript of grades, demonstrating a grade point average of 3.0
6152 or greater, from an accredited college or university; and

6153 (b) have successfully completed the probationary employment period with the
6154 employing agency.

6155 (4) The program shall also provide that the agency may consider a law enforcement
6156 officer or correctional officer to receive additional compensation as follows for higher
6157 education degrees earned on or after April 30, 2001, in a subject area directly related to the law
6158 enforcement officer's or correctional officer's employment with the agency:

6159 (a) 5.5% for an associate's degree;

6160 (b) 5.5% for a bachelor's degree; and

6161 (c) 5.5% for a master's degree.

6162 (5) Expenses incurred by an agency to provide additional compensation under this
6163 section may be only from the agency's existing budget.
6164 Section 151. Section **63A-17-803**, which is renumbered from Section 67-19-12.5 is
6165 renumbered and amended to read:
6166 **[~~67-19-12.5~~]. 63A-17-803. Creation of Flexible Benefit Program --**
6167 **Rulemaking power granted to establish program.**
6168 (1) The [~~department~~] division shall establish for calendar year 1990 and thereafter a
6169 Flexible Benefit Program under Section 125 of the Internal Revenue Code of 1986.
6170 (2) The [~~department~~] division shall establish accounts for all employees eligible for
6171 benefits which meet the nondiscrimination requirements of the Internal Revenue Code of 1986.
6172 (3) (a) Each account established under this section shall include employee paid
6173 premiums for health and dental services.
6174 (b) The account may also include, at the option of the employee, out-of-pocket
6175 employee medical and dependent care expenses.
6176 (c) Accounts may also include other expenses allowed under the Internal Revenue
6177 Code of 1986.
6178 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6179 [~~department~~] division may make rules to implement the program established under this section.
6180 Section 152. Section **63A-17-804**, which is renumbered from Section 67-19-14.3 is
6181 renumbered and amended to read:
6182 **[~~67-19-14.3~~]. 63A-17-804. Continuation of Insurance Benefits Program --**
6183 **Creation -- Coverage following death in the line of duty.**
6184 (1) There is created the "Continuation of Insurance Benefits Program" to provide a
6185 continuation of insurance to the surviving spouse and family of any state employee whose
6186 death occurs in the line of duty.
6187 (2) The insurance coverage shall be the same coverage as provided under Section
6188 49-20-406.
6189 (3) The program provides that unused accumulated sick leave of a deceased employee

6190 may be used for additional medical coverage in the same manner as provided under Section
6191 [~~67-19-14.2 or 67-19-14.4~~] 63A-17-507 or 63A-17-508 as applicable.
6192 Section 153. Section **63A-17-805**, which is renumbered from Section 67-19-43 is
6193 renumbered and amended to read:
6194 **[~~67-19-43~~]. 63A-17-805. State employee matching supplemental defined**
6195 **contribution benefit.**
6196 (1) As used in this section:
6197 (a) "Qualifying account" means:
6198 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue
6199 Code, which is sponsored by the Utah State Retirement Board; [~~or~~]
6200 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue
6201 Code, which is sponsored by the Utah State Retirement Board; or
6202 (iii) a similar savings plan or account authorized under the Internal Revenue Code,
6203 which is sponsored by the Utah State Retirement Board.
6204 (b) "Qualifying employee" means an employee who is:
6205 (i) in a position that is:
6206 (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance
6207 Benefit Act; and
6208 (B) accruing paid leave benefits that can be used in the current and future calendar
6209 years; and
6210 (ii) not an employee who is reemployed as that term is:
6211 (A) defined in Section 49-11-1202; or
6212 (B) used in Section 49-11-504.
6213 (2) Subject to the requirements of Subsection (3) [~~and beginning on or after January 4,~~
6214 ~~2014~~], an employer shall make a biweekly matching contribution to every qualifying
6215 employee's defined contribution plan qualified under Section 401(k) of the Internal Revenue
6216 Code, subject to federal requirements and limitations, which is sponsored by the Utah State
6217 Retirement Board.

6218 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying
6219 employee shall be eligible to receive the same dollar amount for the contribution under
6220 Subsection (2).
6221 (b) A qualifying employee:
6222 (i) shall receive the contribution amount determined under Subsection (3)(c) if the
6223 qualifying employee makes a voluntary personal contribution to one or more qualifying
6224 accounts in an amount equal to or greater than the employer's contribution amount determined
6225 in Subsection (3)(c);
6226 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's
6227 personal contribution amount if the employee makes a voluntary personal contribution to one
6228 or more qualifying accounts in an amount less than the employer's contribution amount
6229 determined in Subsection (3)(c); or
6230 (iii) may not receive a contribution under Subsection (2) if the qualifying employee
6231 does not make a voluntary personal contribution to a qualifying account.
6232 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall
6233 annually determine the contribution amount that an employer shall provide to each qualifying
6234 employee under Subsection (2).
6235 (ii) The [~~department~~] division shall make recommendations annually to the Legislature
6236 on the contribution amount required under Subsection (2), in consultation with the Governor's
6237 Office of Management and Budget and the Division of Finance.
6238 (iii) The biweekly matching contribution amount required under Subsection (2) may
6239 not exceed $26 for each qualifying employee.
6240 (4) A qualifying employee is eligible to receive the biweekly contribution under this
6241 section for any pay period in which the employee is in a paid status or other status protected by
6242 federal or state law.
6243 (5) The employer and employee contributions made and related earnings under this
6244 section vest immediately upon deposit and can be withdrawn by the employee at any time,
6245 subject to Internal Revenue Code regulations on the withdrawals.

6246 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6247 [~~executive~~] director shall make rules establishing procedures to implement the provisions of
6248 this section.
6249 Section 154. Section **63A-17-806**, which is renumbered from Section 67-19-45 is
6250 renumbered and amended to read:
6251 **[~~67-19-45~~]. 63A-17-806. Definitions -- Infant at Work Pilot Program --**
6252 **Administration -- Report.**
6253 (1) As used in this section:
6254 (a) "Eligible employee" means an employee who has been employed by the
6255 Department of Health for a minimum of:
6256 (i) 12 consecutive months; and
6257 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately
6258 preceding the day on which the employee applies for participation in the program.
6259 (b) "Infant" means a baby that is at least six weeks of age and no more than six months
6260 of age.
6261 (c) "Parent" means:
6262 (i) a biological or adoptive parent of an infant; or
6263 (ii) an individual who has an infant placed in the individual's foster care by the
6264 Division of Child and Family Services.
6265 (d) "Program" means the Infant at Work Pilot Program established in this section.
6266 (2) There is created the Infant at Work Pilot Program for eligible employees.
6267 (3) The program shall:
6268 (a) allow an eligible employee to bring the eligible employee's infant to work subject to
6269 the provisions of this section;
6270 (b) be administered by the [~~department~~] division; and
6271 (c) be implemented for a minimum of one year.
6272 (4) The [~~department~~] division shall establish an application process for eligible
6273 employees of the Department of Health to apply to the program that includes:

6274 (a) a process for evaluating whether an eligible employee's work environment is
6275 appropriate for an infant;
6276 (b) guidelines for infant health and safety; and
6277 (c) guidelines regarding an eligible employee's initial and ongoing participation in the
6278 program.
6279 (5) If the [~~department~~] division approves the eligible employee for participation in the
6280 program, the eligible employee shall have the sole responsibility for the care and safety of the
6281 infant at the workplace.
6282 (6) The [~~department~~] division may not require the Department of Health to designate or
6283 set aside space for an eligible employee's infant other than the eligible employee's existing
6284 work space.
6285 (7) The [~~department~~] division, in consultation with the Department of Health, shall
6286 adopt rules that the department determines necessary to establish the program in accordance
6287 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
6288 (8) [~~By~~] On or before June 30, 2022, the [~~department~~] division, in consultation with the
6289 Department of Health, shall submit a written report to the Business and Labor Interim
6290 Committee that describes the efficacy of the program, including any recommendations for
6291 additional legislative action.
6292 Section 155. Section **63A-17-807**, which is renumbered from Section 67-19c-101 is
6293 renumbered and amended to read:
6294 **[~~67-19c-101~~]. 63A-17-807. Department award program.**
6295 (1) As used in this section:
6296 (a) "Department" means the Department of [~~Administrative Services~~] Government
6297 Operations, the Department of Agriculture and Food, the Department of Alcoholic Beverage
6298 Control, the Department of Commerce, the Department of Heritage and Arts, the Department
6299 of Corrections, the Department of Workforce Services, the Department of Environmental
6300 Quality, the Department of Financial Institutions, the Department of Health, [~~the Department of~~
6301 ~~Human Resource Management,~~] the Department of Human Services, the Insurance

6302 Department, the National Guard, the Department of Natural Resources, the Department of
6303 Public Safety, the Public Service Commission, the Labor Commission, the State Board of
6304 Education, the Utah Board of Higher Education, the State Tax Commission, [~~the Department~~
6305 ~~of Technology Services,~~] and the Department of Transportation.
6306 (b) "Department head" means the individual or body of individuals in whom the
6307 ultimate legal authority of the department is vested by law.
6308 (2) There is created a department awards program to award an outstanding employee in
6309 each department of state government.
6310 (3) (a) [~~By~~] On or before April 1 of each year, each department head shall solicit
6311 nominations for outstanding employee of the year for [~~his~~] that department from the employees
6312 in [~~his~~] that department.
6313 (b) [~~By~~] On or before July 1 of each year, the department head shall:
6314 (i) select a person from the department to receive the outstanding employee of the year
6315 award using the criteria established in Subsection (3)(c); and
6316 (ii) announce the recipient of the award to [~~his~~] the employees of the department.
6317 (c) Department heads shall make the award to [~~a person~~] an employee who
6318 demonstrates:
6319 (i) extraordinary competence in performing [~~his~~] the employee's function;
6320 (ii) creativity in identifying problems and devising workable, cost-effective solutions
6321 [~~to them~~];
6322 (iii) excellent relationships with the public and other employees;
6323 (iv) a commitment to serving the public as the client; and
6324 (v) a commitment to economy and efficiency in government.
6325 (4) (a) The [~~Department of Human Resource Management~~] division shall divide any
6326 appropriation for outstanding department employee awards that [~~it~~] the division receives from
6327 the Legislature equally among the departments.
6328 (b) If [~~the~~] a department receives money from the [~~Department of Human Resource~~
6329 ~~Management~~] division or if [~~the~~] a department budget allows, [~~the~~] that department head shall

6330 provide the employee with a bonus, a plaque, or some other suitable acknowledgement of the
6331 award.
6332 (5) (a) [~~The~~] A department head may name the award after an exemplary present or
6333 former employee of the department.
6334 (b) A department head may not name the award for [~~himself~~] oneself or for any relative
6335 as defined in Section 52-3-1.
6336 [~~(c) Any awards or award programs existing in any department as of May 3, 1993, shall~~
6337 ~~be modified to conform to the requirements of this section.~~]
6338 Section 156. Section **63A-17-901**, which is renumbered from Section 67-25-102 is
6339 renumbered and amended to read:
6340 **Part 9. General Requirements for State Officers and Employees**
6341 **[~~67-25-102~~]. 63A-17-901. Definitions.**
6342 As used in this [~~chapter~~] part:
6343 (1) "Career service employee" [~~is as~~] means the same as that term is defined in Section
6344 [~~67-19-3~~] 63A-17-102.
6345 (2) "Executive branch elected official" means:
6346 (a) the governor;
6347 (b) the lieutenant governor;
6348 (c) the attorney general;
6349 (d) the state treasurer; or
6350 (e) the state auditor.
6351 (3) "Executive branch official" means an individual who:
6352 (a) is a management level employee of an executive branch elected official; and
6353 (b) is not a career service employee.
6354 (4) "State agency" means a department, division, board, council, committee, institution,
6355 office, bureau, or other similar administrative unit of the executive branch of state government.
6356 Section 157. Section **63A-17-902**, which is renumbered from Section 67-25-201 is
6357 renumbered and amended to read:

6358 **[~~67-25-201~~]. 63A-17-902. State agency work week.**
6359 (1) Except as provided in Subsection (2), and subject to Subsection (3):
6360 (a) a state agency with five or more employees shall, at least nine hours per day on
6361 Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute to
6362 another entity of the state, a political subdivision, or the public:
6363 (i) in person;
6364 (ii) online; or
6365 (iii) by telephone; and
6366 (b) a state agency with fewer than five employees shall, at least eight hours per day on
6367 Monday, Tuesday, Wednesday, Thursday, and Friday, provide a service required by statute to
6368 another entity of the state, a political subdivision, or the public:
6369 (i) in person;
6370 (ii) online; or
6371 (iii) by telephone.
6372 (2) (a) Subsection (1) does not require a state agency to operate a physical location, or
6373 provide a service, on a holiday established under Section 63G-1-301.
6374 (b) Except for a legal holiday established under Section 63G-1-301, the following state
6375 agencies shall operate at least one physical location, and as many physical locations as
6376 necessary, at least nine hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday
6377 to provide a service required by statute to another entity of the state, a political subdivision, or
6378 the public:
6379 (i) the [~~Department~~] Division of Technology Services, created in Section [~~63F-1-103~~]
6380 63A-16-103;
6381 (ii) the Division of Child and Family Services, created in Section 62A-4a-103; and
6382 (iii) the Office of Guardian Ad Litem, created in Section 78A-6-901.
6383 (3) A state agency shall make staff available, as necessary, to provide:
6384 (a) services incidental to a court or administrative proceeding, during the hours of
6385 operation of a court or administrative body, including:

6386 (i) testifying;
6387 (ii) the production of records or evidence; and
6388 (iii) other services normally available to a court or administrative body;
6389 (b) security services; and
6390 (c) emergency services.
6391 (4) This section does not limit the days or hours a state agency may operate.
6392 (5) To provide a service as required by Subsection (1), the chief administrative officer
6393 of a state agency may determine:
6394 (a) the number of physical locations, if any are required by this section, operating each
6395 day;
6396 (b) the daily hours of operation of a physical location;
6397 (c) the number of state agency employees who work per day; and
6398 (d) the hours a state agency employee works per day.
6399 (6) To provide a service as required by Subsection (2)(b), the chief administrative
6400 officer of a state agency, or a person otherwise designated by law, may determine:
6401 (a) the number of physical locations operating each day;
6402 (b) the daily hours of operation, as required by Subsection (2)(b), of each physical
6403 location;
6404 (c) the number of state agency employees who work per day; and
6405 (d) the hours a state agency employee works per day.
6406 (7) A state agency shall:
6407 (a) provide information, accessible from a conspicuous link on the home page of the
6408 state agency's website, on a method that a person may use to schedule an in-person meeting
6409 with a representative of the state agency; and
6410 (b) except as provided in Subsection (8), as soon as reasonably possible:
6411 (i) contact a person who makes a request for an in-person meeting; and
6412 (ii) when appropriate, schedule and hold an in-person meeting with the person that
6413 requests an in-person meeting.

6414 (8) A state agency is not required to comply with Subsection (7)(b) to the extent that
6415 the contact or meeting:
6416 (a) would constitute a conflict of interest;
6417 (b) would conflict or interfere with a procurement governed by Title 63G, Chapter 6a,
6418 Utah Procurement Code;
6419 (c) would violate an ethical requirement of the state agency or an employee of the state
6420 agency; or
6421 (d) would constitute a violation of law.
6422 Section 158. Section **63A-17-903**, which is renumbered from Section 67-25-302 is
6423 renumbered and amended to read:
6424 **[~~67-25-302~~]. 63A-17-903. Restrictions on outside employment by**
6425 **executive branch employees.**
6426 (1) An employee who is under the direction or control of an executive branch elected
6427 official may not engage in outside employment that:
6428 (a) constitutes a conflict of interest;
6429 (b) interferes with the ability of the employee to fulfill the employee's job
6430 responsibilities;
6431 (c) constitutes the provision of political services, political consultation, or lobbying;
6432 (d) involves the provision of consulting services, legal services, or other services to a
6433 person that the employee could, within the course and scope of the employee's primary
6434 employment, provide to the person; or
6435 (e) interferes with the hours that the employee is expected to perform work under the
6436 direction or control of an executive branch elected official, unless the employee takes
6437 authorized personal leave during the time that the person engages in the outside employment.
6438 (2) An executive branch official shall be subject to the same restrictions on outside
6439 employment as a career service employee.
6440 (3) This section does not prohibit an employee from advocating the position of the
6441 state office that employs the employee regarding legislative action or other government action.

6442 Section 159. Section **63A-17-904**, which is renumbered from Section 67-19-19 is
6443 renumbered and amended to read:
6444 **[~~67-19-19~~]. 63A-17-904. Political activity of employees -- Rules and regulations**
6445 **-- Highway patrol -- Hatch Act.**
6446 (1) Except as otherwise provided by law or by rules [~~promulgated~~] made under this
6447 section for federally aided programs, the [~~following~~] provisions of this section apply with
6448 regard to political activity of career service employees in all grades and positions[~~:~~].
6449 [~~(1)~~] (2) Career service employees may voluntarily participate in political activity
6450 subject to the following provisions:
6451 (a) if any career service employee is elected to any partisan or full-time nonpartisan
6452 political office, that employee shall be granted a leave of absence without pay for times when
6453 monetary compensation is received for service in political office;
6454 (b) no officer or employee in career service may engage in any political activity during
6455 the hours of employment, nor may any person solicit political contributions from employees of
6456 the executive branch during hours of employment for political purposes; and
6457 (c) partisan political activity may not be a basis for employment, promotion, demotion,
6458 or dismissal, except that the [~~executive~~] director shall adopt rules providing for the discipline
6459 or punishment of a state officer or employee who violates any provision of this section.
6460 [~~(2)~~] (3) (a) Notwithstanding any other provision of this section, no member of the
6461 Utah Highway Patrol may use [~~his~~] the member's official authority or influence for the purpose
6462 of interfering with an election or affecting the results of an election.
6463 (b) No person may induce or attempt to induce any member of the Utah Highway
6464 Patrol to participate in any activity prohibited by this Subsection [~~(2)~~] (3).
6465 [~~(3)~~] (4) Nothing contained in this section may be construed to:
6466 (a) preclude voluntary contributions by an employee to the party or candidate of the
6467 officer's or employee's choice; or
6468 (b) permit partisan political activity by any employee who is prevented or restricted
6469 from engaging in the political activity by the provisions of the federal Hatch Act.

6470 Section 160. Section **63A-17-1001**, which is renumbered from Section 67-19-33 is
6471 renumbered and amended to read:
6472 **Part 10. Controlled Substances and Alcohol Use**
6473 **[~~67-19-33~~]. 63A-17-1001. Controlled substances and alcohol use prohibited.**
6474 Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an employee
6475 may not:
6476 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a
6477 controlled substance or alcohol during work hours or on state property except where legally
6478 permissible;
6479 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol
6480 if the activity prevents:
6481 (a) state agencies from receiving federal grants or performing under federal contracts of
6482 $25,000 or more; or
6483 (b) the employee to perform his services or work for state government effectively as
6484 regulated by the rules of the executive director in accordance with Section [~~67-19-34~~]
6485 63A-17-1402; or
6486 (3) refuse to submit to a drug or alcohol test under Section [~~67-19-36~~] 63A-17-1404.
6487 Section 161. Section **63A-17-1002**, which is renumbered from Section 67-19-34 is
6488 renumbered and amended to read:
6489 **[~~67-19-34~~]. 63A-17-1002. Rulemaking power to director.**
6490 In accordance with this [~~chapter~~] part and Title 63G, Chapter 3, Utah Administrative
6491 Rulemaking Act, the [~~executive~~] director shall make rules regulating:
6492 (1) disciplinary actions for employees subject to discipline under Section [~~67-19-37~~]
6493 63A-17-1405;
6494 (2) the testing of employees for the use of controlled substances or alcohol as provided
6495 in Section [~~67-19-36~~] 63A-17-1404;
6496 (3) the confidentiality of drug testing and test results performed under Section
6497 [~~67-19-36~~] 63A-17-1404 in accordance with Title 63G, Chapter 2, Government Records

6498 Access and Management Act; and
6499 (4) minimum blood levels of alcohol or drug content for work effectiveness of an
6500 employee.
6501 Section 162. Section **63A-17-1003**, which is renumbered from Section 67-19-35 is
6502 renumbered and amended to read:
6503 **[~~67-19-35~~]. 63A-17-1003. Reporting of convictions under federal and state drug**
6504 **laws.**
6505 (1) An employee who is convicted under a federal or state criminal statute regulating
6506 the manufacture, distribution, dispensation, possession, or use of a controlled substance shall
6507 report the conviction to the director of [~~his~~] the employee's agency within five calendar days
6508 after the date of conviction.
6509 (2) Upon notification either under Subsection (1) or otherwise, the director of the
6510 agency shall notify the federal agency for which a contract is being performed within 10 days
6511 after receiving notice.
6512 Section 163. Section **63A-17-1004**, which is renumbered from Section 67-19-36 is
6513 renumbered and amended to read:
6514 **[~~67-19-36~~]. 63A-17-1004. Drug testing of state employees.**
6515 (1) Except as provided in Subsection (2), when there is reasonable suspicion that an
6516 employee is using a controlled substance or alcohol unlawfully during work hours, an
6517 employee may be required to submit to medically accepted testing procedures for a
6518 determination of whether the employee is using a controlled substance or alcohol in violation
6519 of this part.
6520 (2) In highly sensitive positions, as identified in department class specifications,
6521 random drug testing of employees may be conducted by an agency in accordance with the rules
6522 of the [~~executive~~] director.
6523 (3) All drug or alcohol testing shall be:
6524 (a) conducted by a federally certified and licensed physician, a federally certified and
6525 licensed medical clinic, or testing facility federally certified and licensed to conduct medically

6526 accepted drug testing;
6527 (b) conducted in accordance with the rules of the [~~executive~~] director made under
6528 Section [~~67-19-34~~] 63A-17-1402; and
6529 (c) kept confidential in accordance with the rules of the [~~executive~~] director made in
6530 accordance with Section [~~67-19-34~~] 63A-17-1402.
6531 (4) A physician, medical clinic, or testing facility may not be held liable in any civil
6532 action brought by a party for:
6533 (a) performing or failing to perform a test under this section;
6534 (b) issuing or failing to issue a test result under this section; or
6535 (c) acting or omitting to act in any other way in good faith under this section.
6536 Section 164. Section **63A-17-1005**, which is renumbered from Section 67-19-37 is
6537 renumbered and amended to read:
6538 **[~~67-19-37~~]. 63A-17-1005. Discipline of employees.**
6539 An employee shall be subject to the rules of discipline of the [~~executive~~] director made
6540 in accordance with Section [~~67-19-34~~] 63A-17-1402, if the employee:
6541 (1) refuses to submit to testing procedures provided in Section [~~67-19-36~~]
6542 63A-17-1404;
6543 (2) refuses to complete a drug rehabilitation program in accordance with Subsection
6544 [~~67-19-38~~] 63A-17-1406(3);
6545 (3) is convicted under a federal or state criminal statute regulating the manufacture,
6546 distribution, dispensation, possession, or use of a controlled substance; or
6547 (4) manufactures, dispenses, possesses, uses, or distributes a controlled substance in
6548 violation of state or federal law during work hours or on state property.
6549 Section 165. Section **63A-17-1006**, which is renumbered from Section 67-19-38 is
6550 renumbered and amended to read:
6551 **[~~67-19-38~~]. 63A-17-1006. Violations and penalties.**
6552 In addition to other criminal penalties provided by law, an employee who:
6553 (1) fails to notify the employee's director under Section [~~67-19-35~~] 63A-17-1403 is

6554 subject to disciplinary proceedings as established by the [~~executive~~] director by rule in
6555 accordance with Section [~~67-19-34~~] 63A-17-1402;
6556 (2) refuses to submit to testing procedures provided for in Section [~~67-19-36~~]
6557 63A-17-1404, may be suspended immediately without pay pending further disciplinary action
6558 as [~~set forth in the rules of the executive~~] provided by rule, made by the director in accordance
6559 with Section [~~67-19-34~~] 63A-17-1402; or
6560 (3) tests positive for the presence of unlawfully used controlled substances or alcohol
6561 may be required, as part of the employee's disciplinary treatment, to complete a drug
6562 rehabilitation program at the employee's expense within 60 days after receiving the positive test
6563 results or be subject to further disciplinary procedures established by rule [~~of the executive~~]
6564 made by the director in accordance with Section [~~67-19-34~~] 63A-17-1402.
6565 Section 166. Section **63A-17-1007**, which is renumbered from Section 67-19-39 is
6566 renumbered and amended to read:
6567 **[~~67-19-39~~]. 63A-17-1007. Exemptions.**
6568 Peace officers, as defined under Title 53, Chapter 13, Peace Officer Classifications,
6569 acting in their official capacity as peace officers in undercover roles and assignments, are
6570 exempt from the provisions of this act.
6571 Section 167. Section **63B-7-501** is amended to read:
6572 **63B-7-501. Revenue bond authorizations.**
6573 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6574 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6575 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6576 which participation interests may be created, to provide up to $1,568,600 for the construction
6577 of a Utah Correctional Industries Facility at the Central Utah Correctional Facility at Gunnison,
6578 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
6579 and fund any debt service requirements.
6580 (b) The State Building Ownership Authority shall work cooperatively with the
6581 Department of Corrections to seek out the most cost effective and prudent lease purchase plan

6582 available.
6583 (c) It is the intent of the Legislature that program revenues be used as the primary
6584 revenue source for repayment of any obligation created under authority of this Subsection (1).
6585 (2) It is the intent of the Legislature that:
6586 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and
6587 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow
6588 money on the credit, income, and revenues of the University of Utah, other than appropriations
6589 of the Legislature, to finance the cost of constructing, furnishing, and equipping student
6590 housing;
6591 (b) University funds and housing rental revenues be used as the primary revenue source
6592 for repayment of any obligation created under authority of this Subsection (2); and
6593 (c) the bonds or other evidences of indebtedness authorized by this Subsection (2) may
6594 provide up to $86,000,000 together with other amounts necessary to pay costs of issuance, pay
6595 capitalized interest, and fund any debt service reserve requirements.
6596 (3) It is the intent of the Legislature that:
6597 (a) the State Board of Regents on behalf of the University of Utah issue, sell, and
6598 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow
6599 money on the credit, income, and revenues of the University of Utah, other than appropriations
6600 of the Legislature, to finance the cost of constructing, furnishing, and equipping a Health
6601 Sciences Parking Structure;
6602 (b) University funds and parking revenues be used as the primary revenue source for
6603 repayment of any obligation created under authority of this Subsection (3); and
6604 (c) the bonds or other evidences of indebtedness authorized by this Subsection (3) may
6605 provide up to $12,000,000, together with other amounts necessary to pay costs of issuance, pay
6606 capitalized interest, and fund any debt service reserve requirements.
6607 (4) It is the intent of the Legislature that:
6608 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and
6609 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow

6610 money on the credit and income and revenues of the University of Utah, other than
6611 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping
6612 a Southwest Campus Parking Structure;
6613 (b) University funds and parking revenues be used as the primary revenue source for
6614 repayment of any obligation created under authority of this Subsection (4); and
6615 (c) the bonds or other evidences of indebtedness authorized by this Subsection (4) may
6616 provide up to $7,200,000, together with other amounts necessary to pay costs of issuance, pay
6617 capitalized interest, and fund any debt service reserve requirements.
6618 (5) It is the intent of the Legislature that:
6619 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and
6620 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow
6621 money on the credit and income and revenues of the University of Utah, other than
6622 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping
6623 an expansion of the Eccles Broadcast Center;
6624 (b) University funds and service revenues be used as the primary revenue source for
6625 repayment of any obligation created under authority of this Subsection (5); and
6626 (c) the bonds or other evidences of indebtedness authorized by this Subsection (5) may
6627 provide up to $5,100,000, together with other amounts necessary to pay costs of issuance, pay
6628 capitalized interest, and fund any debt service reserve requirements.
6629 (6) It is the intent of the Legislature that:
6630 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and
6631 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow
6632 money on the credit and income and revenues of the University of Utah, other than
6633 appropriations of the Legislature, to finance the cost of constructing, furnishing, equipping, and
6634 remodeling facilities for perinatal services, adult critical care services, clinical training and
6635 support, and upgrade of the University Hospital Rehabilitation Unit, and for purchase of the
6636 University Neuropsychiatric Institute and Summit Health Center in Park West;
6637 (b) University Hospital revenues be used as the primary revenue source for repayment

6638 of any obligation created under authority of this Subsection (6); and
6639 (c) the bonds or other evidences of indebtedness authorized by this Subsection (6) may
6640 provide up to $23,300,000 together with other amounts necessary to pay costs of issuance, pay
6641 capitalized interest, and fund any debt service reserve requirements.
6642 (7) It is the intent of the Legislature that:
6643 (a) the State Board of Regents, on behalf of Weber State University, issue, sell, and
6644 deliver revenue bonds or other evidences of indebtedness of Weber State University to borrow
6645 money on the credit and income and revenues of Weber State University, other than
6646 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping
6647 student housing;
6648 (b) University funds and housing rental revenues be used as the primary revenue source
6649 for repayment of any obligation created under authority of this Subsection (7); and
6650 (c) the bonds or other evidences of indebtedness authorized by this Subsection (7) may
6651 provide up to $19,000,000 together with other amounts necessary to pay costs of issuance, pay
6652 capitalized interest, and fund any debt service reserve requirements.
6653 (8) (a) It is the intent of the Legislature that the State Building Ownership Authority,
6654 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,
6655 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in
6656 which participation interests may be created, to provide up to $1,100,000 for the construction
6657 of surplus property facilities for the Division of Fleet Operations, together with additional
6658 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service
6659 reserve requirements.
6660 (b) The State Building Ownership Authority shall work cooperatively with the
6661 Department of [~~Administrative Services~~] Government Operations to seek out the most cost
6662 effective and prudent lease purchase plan available.
6663 (c) It is the intent of the Legislature that Internal Service Fund revenues be used as the
6664 primary revenue source for repayment of any obligation created under authority of this
6665 Subsection (8).

6666 (9) (a) Contingent upon the state of Utah receiving a perfected security interest in
6667 accordance with Senate Joint Resolution 14, 1998 Annual General Session, the State Building
6668 Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building
6669 Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease
6670 purchase agreement in which participation interests may be created, to provide up to
6671 $25,000,000 for the cost of constructing, furnishing, and equipping housing facilities at the
6672 University of Utah, together with additional amounts necessary to:
6673 (i) pay costs of issuance;
6674 (ii) pay capitalized interest; and
6675 (iii) fund any debt service reserve requirements.
6676 (b) The State Building Ownership Authority and the University of Utah may enter into
6677 real estate arrangements and security arrangements that are:
6678 (i) necessary to accomplish the purposes of this Subsection (9); and
6679 (ii) not inconsistent with the requirements of Senate Joint Resolution 14, 1998 Annual
6680 General Session.
6681 (10) In order to achieve a debt service savings, it is the intent of the Legislature that the
6682 State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State
6683 Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange
6684 for a lease purchase agreement in which participation interests may be created, to provide
6685 sufficient funding to exercise the state's option to purchase the Youth Corrections Facility in
6686 Salt Lake County currently financed by Salt Lake County.
6687 Section 168. Section **63E-1-302** is amended to read:
6688 **63E-1-302. Review by committee required for creating an independent entity.**
6689 (1) If a government requestor proposes that the Legislature create an independent
6690 entity, that government requestor shall request that the committee review the proposal.
6691 (2) After receiving a request for review under Subsection (1), the chairs of the
6692 committee:
6693 (a) shall schedule a meeting of the committee to review the proposal; and

6694 (b) may request information from executive and legislative branch entities and officers
6695 concerning the proposal including:
6696 (i) whether or not the proposed independent entity should be exempt from any state
6697 statute;
6698 (ii) the need for oversight of the proposed independent entity by an executive branch
6699 agency;
6700 (iii) the need for and requirements of audits of the proposed independent entity;
6701 (iv) the custody of the proposed independent entity's funds;
6702 (v) the legal representation of the proposed independent entity;
6703 (vi) whether or not the state should receive services from or provide services to the
6704 proposed independent entity; and
6705 (vii) the legal liability, if any, to the state if the proposed independent entity is created.
6706 (3) In requesting information from executive and legislative branch entities or officers
6707 under Subsection (2), the committee should specifically consider seeking information from:
6708 (a) the state auditor;
6709 (b) the state treasurer;
6710 (c) the attorney general;
6711 (d) the risk manager; and
6712 (e) the executive director of the Department of [~~Administrative Services~~] Government
6713 Operations.
6714 Section 169. Section **63G-1-301** is amended to read:
6715 **63G-1-301. Legal holidays -- Personal preference day -- Governor authorized to**
6716 **declare additional days.**
6717 (1) (a) The following-named days are legal holidays in this state:
6718 (i) every Sunday;
6719 (ii) January 1, called New Year's Day;
6720 (iii) the third Monday of January, called Dr. Martin Luther King, Jr. Day;
6721 (iv) the third Monday of February, called Washington and Lincoln Day;

6722 (v) the last Monday of May, called Memorial Day;
6723 (vi) July 4, called Independence Day;
6724 (vii) July 24, called Pioneer Day;
6725 (viii) the first Monday of September, called Labor Day;
6726 (ix) the second Monday of October, called Columbus Day;
6727 (x) November 11, called Veterans Day;
6728 (xi) the fourth Thursday of November, called Thanksgiving Day;
6729 (xii) December 25, called Christmas; and
6730 (xiii) all days which may be set apart by the President of the United States, or the
6731 governor of this state by proclamation as days of fast or thanksgiving.
6732 (b) If any of the holidays under Subsection (1)(a), except the first mentioned, namely
6733 Sunday, falls on Sunday, then the following Monday shall be the holiday.
6734 (c) If any of the holidays under Subsection (1)(a) falls on Saturday the preceding Friday
6735 shall be the holiday.
6736 (d) Each employee may select one additional day, called Personal Preference Day, to
6737 be scheduled pursuant to rules adopted by the [~~Department~~] Division of Human Resource
6738 Management.
6739 (2) (a) Whenever in the governor's opinion extraordinary conditions exist justifying the
6740 action, the governor may:
6741 (i) declare, by proclamation, legal holidays in addition to those holidays under
6742 Subsection (1); and
6743 (ii) limit the holidays to certain classes of business and activities to be designated by
6744 the governor.
6745 (b) A holiday may not extend for a longer period than 60 consecutive days.
6746 (c) Any holiday may be renewed for one or more periods not exceeding 30 days each as
6747 the governor may consider necessary, and any holiday may, by like proclamation, be terminated
6748 before the expiration of the period for which it was declared.
6749 Section 170. Section **63G-2-501** is amended to read:

6750 **63G-2-501. State Records Committee created -- Membership -- Terms --**
6751 **Vacancies -- Expenses.**
6752 (1) There is created the State Records Committee within the Department of
6753 [~~Administrative Services~~] Government Operations consisting of the following seven
6754 individuals:
6755 (a) an individual in the private sector whose profession requires the individual to create
6756 or manage records that, if created by a governmental entity, would be private or controlled;
6757 (b) an individual with experience with electronic records and databases, as
6758 recommended by a statewide technology advocacy organization that represents the public,
6759 private, and nonprofit sectors;
6760 (c) the director of the Division of Archives and Records Services or the director's
6761 designee;
6762 (d) two citizen members;
6763 (e) one person representing political subdivisions, as recommended by the Utah League
6764 of Cities and Towns; and
6765 (f) one individual representing the news media.
6766 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),
6767 (e), and (f) with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,
6768 Part 2, Vacancies.
6769 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
6770 member to a four-year term.
6771 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment
6772 or reappointment, adjust the length of terms to ensure that the terms of committee members are
6773 staggered so that approximately half of the committee is appointed every two years.
6774 (c) Each appointed member is eligible for reappointment for one additional term.
6775 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
6776 appointed for the unexpired term.
6777 (5) A member of the State Records Committee may not receive compensation or

6778 benefits for the member's service on the committee, but may receive per diem and travel
6779 expenses in accordance with:
6780 (a) Section 63A-3-106;
6781 (b) Section 63A-3-107; and
6782 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
6783 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the
6784 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.
6785 Section 171. Section **63G-3-102** is amended to read:
6786 **63G-3-102. Definitions.**
6787 As used in this chapter:
6788 (1) "Administrative record" means information an agency relies upon when making a
6789 rule under this chapter including:
6790 (a) the proposed rule, change in the proposed rule, and the rule analysis form;
6791 (b) the public comment received and recorded by the agency during the public
6792 comment period;
6793 (c) the agency's response to the public comment;
6794 (d) the agency's analysis of the public comment; and
6795 (e) the agency's report of its decision-making process.
6796 (2) "Agency" means each state board, authority, commission, institution, department,
6797 division, officer, or other state government entity other than the Legislature, its committees, the
6798 political subdivisions of the state, or the courts, which is authorized or required by law to make
6799 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or
6800 perform other similar actions or duties delegated by law.
6801 (3) "Bulletin" means the Utah State Bulletin.
6802 (4) "Catchline" means a short summary of each section, part, rule, or title of the code
6803 that follows the section, part, rule, or title reference placed before the text of the rule and serves
6804 the same function as boldface in legislation as described in Section 68-3-13.
6805 (5) "Code" means the body of all effective rules as compiled and organized by the

6806 office and entitled "Utah Administrative Code."
6807 (6) "Department" means the Department of [~~Administrative Services~~] Government
6808 Operations created in Section 63A-1-104.
6809 (7) "Director" means the director of the office.
6810 (8) "Effective" means operative and enforceable.
6811 (9) "Executive director" means the executive director of the department.
6812 (10) "File" means to submit a document to the office as prescribed by the office.
6813 (11) "Filing date" means the day and time the document is recorded as received by the
6814 office.
6815 (12) "Interested person" means any person affected by or interested in a proposed rule,
6816 amendment to an existing rule, or a nonsubstantive change made under Section 63G-3-402.
6817 (13) "Office" means the Office of Administrative Rules created in Section 63G-3-401.
6818 (14) "Order" means an agency action that determines the legal rights, duties, privileges,
6819 immunities, or other interests of one or more specific persons, but not a class of persons.
6820 (15) "Person" means any individual, partnership, corporation, association,
6821 governmental entity, or public or private organization of any character other than an agency.
6822 (16) "Publication" or "publish" means making a rule available to the public by
6823 including the rule or a summary of the rule in the bulletin.
6824 (17) "Publication date" means the inscribed date of the bulletin.
6825 (18) "Register" may include an electronic database.
6826 (19) (a) "Rule" means an agency's written statement that:
6827 (i) is explicitly or implicitly required by state or federal statute or other applicable law;
6828 (ii) implements or interprets a state or federal legal mandate; and
6829 (iii) applies to a class of persons or another agency.
6830 (b) "Rule" includes the amendment or repeal of an existing rule.
6831 (c) "Rule" does not mean:
6832 (i) orders;
6833 (ii) an agency's written statement that applies only to internal management and that

6834 does not restrict the legal rights of a public class of persons or another agency;
6835 (iii) the governor's executive orders or proclamations;
6836 (iv) opinions issued by the attorney general's office;
6837 (v) declaratory rulings issued by the agency according to Section 63G-4-503 except as
6838 required by Section 63G-3-201;
6839 (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection
6840 63G-3-201(6); or
6841 (vii) an agency written statement that is in violation of any state or federal law.
6842 (20) "Rule analysis" means the format prescribed by the office to summarize and
6843 analyze rules.
6844 (21) "Small business" means a business employing fewer than 50 persons.
6845 (22) "Substantive change" means a change in a rule that affects the application or
6846 results of agency actions.
6847 Section 172. Section **63G-3-401** is amended to read:
6848 **63G-3-401. Office of Administrative Rules created -- Director.**
6849 (1) There is created within the Department of [~~Administrative Services~~] Government
6850 Operations the Office of Administrative Rules, to be administered by a director.
6851 (2) (a) The executive director shall appoint the director.
6852 (b) The director shall hire, train, and supervise staff necessary for the office to carry out
6853 the provisions of this chapter.
6854 Section 173. Section **63G-4-107** is amended to read:
6855 **63G-4-107. Petition to remove agency action from public access.**
6856 (1) An individual may petition the agency that maintains, on a state-controlled website
6857 available to the public, a record of administrative disciplinary action, to remove the record of
6858 administrative disciplinary action from public access on the state-controlled website, if:
6859 (a) (i) five years have passed since:
6860 (A) the date the final order was issued; or
6861 (B) if no final order was issued, the date the administrative disciplinary action was

6862 commenced; or
6863 (ii) the individual has obtained a criminal expungement order under Title 77, Chapter
6864 40, Utah Expungement Act, for the individual's criminal records related to the same incident or
6865 conviction upon which the administrative disciplinary action was based;
6866 (b) the individual has successfully completed all action required by the agency relating
6867 to the administrative disciplinary action within the time frame set forth in the final order, or if
6868 no time frame is specified in the final order, within the time frame set forth in Title 63G,
6869 Chapter 4, Administrative Procedures Act;
6870 (c) from the time that the original administrative disciplinary action was filed, the
6871 individual has not violated the same statutory provisions or administrative rules related to those
6872 statutory provisions that resulted in the original administrative disciplinary action; and
6873 (d) the individual pays an application fee determined by the agency in accordance with
6874 Section 63J-1-504.
6875 (2) The individual petitioning the agency under Subsection (1) shall provide the agency
6876 with a written request containing the following information:
6877 (a) the petitioner's full name, address, telephone number, and date of birth;
6878 (b) the information the petitioner seeks to remove from public access; and
6879 (c) an affidavit certifying that the petitioner is in compliance with the provisions of
6880 Subsection (1).
6881 (3) Within 30 days of receiving the documents and information described in
6882 Subsection (2):
6883 (a) the agency shall review the petition and all documents submitted with the petition
6884 to determine whether the petitioner has met the requirements of Subsections (1) and (2); and
6885 (b) if the agency determines that the petitioner has met the requirements of Subsections
6886 (1) and (2), the agency shall immediately remove the record of administrative disciplinary
6887 action from public access on the state-controlled website.
6888 (4) Notwithstanding the provisions of Subsection (3), an agency is not required to
6889 remove a recording, written minutes, or other electronic information from the Utah Public

6890 Notice Website, created under Section [~~63F-1-701~~] 63A-16-601, if the recording, written
6891 minutes, or other electronic information is required to be available to the public on the Utah
6892 Public Notice Website under the provisions of Title 52, Chapter 4, Open and Public Meetings
6893 Act.
6894 Section 174. Section **63G-6a-103** is amended to read:
6895 **63G-6a-103. Definitions.**
6896 As used in this chapter:
6897 (1) "Approved vendor" means a person who has been approved for inclusion on an
6898 approved vendor list through the approved vendor list process.
6899 (2) "Approved vendor list" means a list of approved vendors established under Section
6900 63G-6a-507.
6901 (3) "Approved vendor list process" means the procurement process described in
6902 Section 63G-6a-507.
6903 (4) "Bidder" means a person who submits a bid or price quote in response to an
6904 invitation for bids.
6905 (5) "Bidding process" means the procurement process described in Part 6, Bidding.
6906 (6) "Board" means the Utah State Procurement Policy Board, created in Section
6907 63G-6a-202.
6908 (7) "Building board" means the State Building Board, created in Section 63A-5b-201.
6909 (8) "Change directive" means a written order signed by the procurement officer that
6910 directs the contractor to suspend work or make changes, as authorized by contract, without the
6911 consent of the contractor.
6912 (9) "Change order" means a written alteration in specifications, delivery point, rate of
6913 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual
6914 agreement of the parties to the contract.
6915 (10) "Chief procurement officer" means the individual appointed under [~~Subsection~~
6916 ~~63G-6a-302(1)~~] Section 63A-2-102.
6917 (11) "Conducting procurement unit" means a procurement unit that conducts all

6918 aspects of a procurement:
6919 (a) except:
6920 (i) reviewing a solicitation to verify that it is in proper form; and
6921 (ii) causing the publication of a notice of a solicitation; and
6922 (b) including:
6923 (i) preparing any solicitation document;
6924 (ii) appointing an evaluation committee;
6925 (iii) conducting the evaluation process, except the process relating to scores calculated
6926 for costs of proposals;
6927 (iv) selecting and recommending the person to be awarded a contract;
6928 (v) negotiating the terms and conditions of a contract, subject to the issuing
6929 procurement unit's approval; and
6930 (vi) contract administration.
6931 (12) "Conservation district" means the same as that term is defined in Section
6932 17D-3-102.
6933 (13) "Construction project":
6934 (a) means a project for the construction, renovation, alteration, improvement, or repair
6935 of a public facility on real property, including all services, labor, supplies, and materials for the
6936 project; and
6937 (b) does not include services and supplies for the routine, day-to-day operation, repair,
6938 or maintenance of an existing public facility.
6939 (14) "Construction manager/general contractor":
6940 (a) means a contractor who enters into a contract:
6941 (i) for the management of a construction project; and
6942 (ii) that allows the contractor to subcontract for additional labor and materials that are
6943 not included in the contractor's cost proposal submitted at the time of the procurement of the
6944 contractor's services; and
6945 (b) does not include a contractor whose only subcontract work not included in the

6946 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
6947 meet subcontracted portions of change orders approved within the scope of the project.
6948 (15) "Construction subcontractor":
6949 (a) means a person under contract with a contractor or another subcontractor to provide
6950 services or labor for the design or construction of a construction project;
6951 (b) includes a general contractor or specialty contractor licensed or exempt from
6952 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
6953 (c) does not include a supplier who provides only materials, equipment, or supplies to a
6954 contractor or subcontractor for a construction project.
6955 (16) "Contract" means an agreement for a procurement.
6956 (17) "Contract administration" means all functions, duties, and responsibilities
6957 associated with managing, overseeing, and carrying out a contract between a procurement unit
6958 and a contractor, including:
6959 (a) implementing the contract;
6960 (b) ensuring compliance with the contract terms and conditions by the conducting
6961 procurement unit and the contractor;
6962 (c) executing change orders;
6963 (d) processing contract amendments;
6964 (e) resolving, to the extent practicable, contract disputes;
6965 (f) curing contract errors and deficiencies;
6966 (g) terminating a contract;
6967 (h) measuring or evaluating completed work and contractor performance;
6968 (i) computing payments under the contract; and
6969 (j) closing out a contract.
6970 (18) "Contractor" means a person who is awarded a contract with a procurement unit.
6971 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:
6972 (a) more than one procurement unit; or
6973 (b) a procurement unit and a cooperative purchasing organization.

6974 (20) "Cooperative purchasing organization" means an organization, association, or
6975 alliance of purchasers established to combine purchasing power in order to obtain the best
6976 value for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
6977 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
6978 contractor is paid a percentage of the total actual expenses or costs in addition to the
6979 contractor's actual expenses or costs.
6980 (22) "Cost-reimbursement contract" means a contract under which a contractor is
6981 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
6982 the provisions of this chapter, and a fee, if any.
6983 (23) "Days" means calendar days, unless expressly provided otherwise.
6984 (24) "Definite quantity contract" means a fixed price contract that provides for a
6985 specified amount of supplies over a specified period, with deliveries scheduled according to a
6986 specified schedule.
6987 (25) "Design professional" means:
6988 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
6989 Licensing Act;
6990 (b) an individual licensed as a professional engineer or professional land surveyor
6991 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
6992 Act; or
6993 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
6994 State Certification of Commercial Interior Designers Act.
6995 (26) "Design professional procurement process" means the procurement process
6996 described in Part 15, Design Professional Services.
6997 (27) "Design professional services" means:
6998 (a) professional services within the scope of the practice of architecture as defined in
6999 Section 58-3a-102;
7000 (b) professional engineering as defined in Section 58-22-102;
7001 (c) master planning and programming services; or

7002 (d) services within the scope of the practice of commercial interior design, as defined
7003 in Section 58-86-102.
7004 (28) "Design-build" means the procurement of design professional services and
7005 construction by the use of a single contract.
7006 (29) "Division" means the Division of Purchasing and General Services, created in
7007 Section 63A-2-101.
7008 (30) "Educational procurement unit" means:
7009 (a) a school district;
7010 (b) a public school, including a local school board or a charter school;
7011 (c) the Utah Schools for the Deaf and the Blind;
7012 (d) the Utah Education and Telehealth Network;
7013 (e) an institution of higher education of the state described in Section 53B-1-102; or
7014 (f) the State Board of Education.
7015 (31) "Established catalogue price" means the price included in a catalogue, price list,
7016 schedule, or other form that:
7017 (a) is regularly maintained by a manufacturer or contractor;
7018 (b) is published or otherwise available for inspection by customers; and
7019 (c) states prices at which sales are currently or were last made to a significant number
7020 of any category of buyers or buyers constituting the general buying public for the supplies or
7021 services involved.
7022 (32) "Executive branch procurement unit" means a department, division, office,
7023 bureau, agency, or other organization within the state executive branch.
7024 (33) "Facilities division" means the Division of Facilities Construction and
7025 Management, created in Section 63A-5b-301.
7026 (34) "Fixed price contract" means a contract that provides a price, for each
7027 procurement item obtained under the contract, that is not subject to adjustment except to the
7028 extent that:
7029 (a) the contract provides, under circumstances specified in the contract, for an

7030 adjustment in price that is not based on cost to the contractor; or
7031 (b) an adjustment is required by law.
7032 (35) "Fixed price contract with price adjustment" means a fixed price contract that
7033 provides for an upward or downward revision of price, precisely described in the contract, that:
7034 (a) is based on the consumer price index or another commercially acceptable index,
7035 source, or formula; and
7036 (b) is not based on a percentage of the cost to the contractor.
7037 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement
7038 to expend public funds or other assistance, for a public purpose authorized by law, without
7039 acquiring a procurement item in exchange.
7040 (37) "Immaterial error":
7041 (a) means an irregularity or abnormality that is:
7042 (i) a matter of form that does not affect substance; or
7043 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
7044 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and
7045 (b) includes:
7046 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a
7047 professional license, bond, or insurance certificate;
7048 (ii) a typographical error;
7049 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
7050 (iv) any other error that the procurement official reasonably considers to be immaterial.
7051 (38) "Indefinite quantity contract" means a fixed price contract that:
7052 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
7053 procurement unit; and
7054 (b) (i) does not require a minimum purchase amount; or
7055 (ii) provides a maximum purchase limit.
7056 (39) "Independent procurement unit" means:
7057 (a) (i) a legislative procurement unit;

7058 (ii) a judicial branch procurement unit;
7059 (iii) an educational procurement unit;
7060 (iv) a local government procurement unit;
7061 (v) a conservation district;
7062 (vi) a local building authority;
7063 (vii) a local district;
7064 (viii) a public corporation;
7065 (ix) a special service district; or
7066 (x) the Utah Communications Authority, established in Section 63H-7a-201;
7067 (b) the building board or the facilities division, but only to the extent of the
7068 procurement authority provided under Title 63A, Chapter 5b, Administration of State
7069 Facilities;
7070 (c) the attorney general, but only to the extent of the procurement authority provided
7071 under Title 67, Chapter 5, Attorney General;
7072 (d) the Department of Transportation, but only to the extent of the procurement
7073 authority provided under Title 72, Transportation Code; or
7074 (e) any other executive branch department, division, office, or entity that has statutory
7075 procurement authority outside this chapter, but only to the extent of that statutory procurement
7076 authority.
7077 (40) "Invitation for bids":
7078 (a) means a document used to solicit:
7079 (i) bids to provide a procurement item to a procurement unit; or
7080 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
7081 (b) includes all documents attached to or incorporated by reference in a document
7082 described in Subsection (40)(a).
7083 (41) "Issuing procurement unit" means a procurement unit that:
7084 (a) reviews a solicitation to verify that it is in proper form;
7085 (b) causes the notice of a solicitation to be published; and

7086 (c) negotiates and approves the terms and conditions of a contract.
7087 (42) "Judicial procurement unit" means:
7088 (a) the Utah Supreme Court;
7089 (b) the Utah Court of Appeals;
7090 (c) the Judicial Council;
7091 (d) a state judicial district; or
7092 (e) an office, committee, subcommittee, or other organization within the state judicial
7093 branch.
7094 (43) "Labor hour contract" is a contract under which:
7095 (a) the supplies and materials are not provided by, or through, the contractor; and
7096 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and
7097 profit for a specified number of labor hours or days.
7098 (44) "Legislative procurement unit" means:
7099 (a) the Legislature;
7100 (b) the Senate;
7101 (c) the House of Representatives;
7102 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
7103 (e) a committee, subcommittee, commission, or other organization:
7104 (i) within the state legislative branch; or
7105 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;
7106 (B) the membership of which includes legislators; and
7107 (C) for which the Office of Legislative Research and General Counsel provides staff
7108 support.
7109 (45) "Local building authority" means the same as that term is defined in Section
7110 17D-2-102.
7111 (46) "Local district" means the same as that term is defined in Section 17B-1-102.
7112 (47) "Local government procurement unit" means:
7113 (a) a county or municipality, and each office or agency of the county or municipality,

7114 unless the county or municipality adopts its own procurement code by ordinance;
7115 (b) a county or municipality that has adopted this entire chapter by ordinance, and each
7116 office or agency of that county or municipality; or
7117 (c) a county or municipality that has adopted a portion of this chapter by ordinance, to
7118 the extent that a term in the ordinance is used in the adopted portion of this chapter, and each
7119 office or agency of that county or municipality.
7120 (48) "Multiple award contracts" means the award of a contract for an indefinite
7121 quantity of a procurement item to more than one person.
7122 (49) "Multiyear contract" means a contract that extends beyond a one-year period,
7123 including a contract that permits renewal of the contract, without competition, beyond the first
7124 year of the contract.
7125 (50) "Municipality" means a city, town, or metro township.
7126 (51) "Nonadopting local government procurement unit" means:
7127 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,
7128 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
7129 General Provisions Related to Protest or Appeal; and
7130 (b) each office or agency of a county or municipality described in Subsection (51)(a).
7131 (52) "Offeror" means a person who submits a proposal in response to a request for
7132 proposals.
7133 (53) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
7134 under the requirements of this chapter.
7135 (54) "Procure" means to acquire a procurement item through a procurement.
7136 (55) "Procurement" means the acquisition of a procurement item through an
7137 expenditure of public funds, or an agreement to expend public funds, including an acquisition
7138 through a public-private partnership.
7139 (56) "Procurement item" means an item of personal property, a technology, a service,
7140 or a construction project.
7141 (57) "Procurement official" means:

7142 (a) for a procurement unit other than an independent procurement unit, the chief
7143 procurement officer;
7144 (b) for a legislative procurement unit, the individual, individuals, or body designated in
7145 a policy adopted by the Legislative Management Committee;
7146 (c) for a judicial procurement unit, the Judicial Council or an individual or body
7147 designated by the Judicial Council by rule;
7148 (d) for a local government procurement unit:
7149 (i) the legislative body of the local government procurement unit; or
7150 (ii) an individual or body designated by the local government procurement unit;
7151 (e) for a local district, the board of trustees of the local district or the board of trustees'
7152 designee;
7153 (f) for a special service district, the governing body of the special service district or the
7154 governing body's designee;
7155 (g) for a local building authority, the board of directors of the local building authority
7156 or the board of directors' designee;
7157 (h) for a conservation district, the board of supervisors of the conservation district or
7158 the board of supervisors' designee;
7159 (i) for a public corporation, the board of directors of the public corporation or the board
7160 of directors' designee;
7161 (j) for a school district or any school or entity within a school district, the board of the
7162 school district or the board's designee;
7163 (k) for a charter school, the individual or body with executive authority over the charter
7164 school or the designee of the individual or body;
7165 (l) for an institution of higher education described in Section 53B-2-101, the president
7166 of the institution of higher education or the president's designee;
7167 (m) for the State Board of Education, the State Board of Education or the State Board
7168 of Education's designee;
7169 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or

7170 the designee of the Commissioner of Higher Education;
7171 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
7172 executive director of the Utah Communications Authority or the executive director's designee;
7173 or
7174 (p) (i) for the building board, and only to the extent of procurement activities of the
7175 building board as an independent procurement unit under the procurement authority provided
7176 under Title 63A, Chapter 5b, Administration of State Facilities, the director of the building
7177 board or the director's designee;
7178 (ii) for the facilities division, and only to the extent of procurement activities of the
7179 facilities division as an independent procurement unit under the procurement authority
7180 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the
7181 facilities division or the director's designee;
7182 (iii) for the attorney general, and only to the extent of procurement activities of the
7183 attorney general as an independent procurement unit under the procurement authority provided
7184 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's
7185 designee;
7186 (iv) for the Department of Transportation created in Section 72-1-201, and only to the
7187 extent of procurement activities of the Department of Transportation as an independent
7188 procurement unit under the procurement authority provided under Title 72, Transportation
7189 Code, the executive director of the Department of Transportation or the executive director's
7190 designee; or
7191 (v) for any other executive branch department, division, office, or entity that has
7192 statutory procurement authority outside this chapter, and only to the extent of the procurement
7193 activities of the department, division, office, or entity as an independent procurement unit
7194 under the procurement authority provided outside this chapter for the department, division,
7195 office, or entity, the chief executive officer of the department, division, office, or entity or the
7196 chief executive officer's designee.
7197 (58) "Procurement unit":

7198 (a) means:
7199 (i) a legislative procurement unit;
7200 (ii) an executive branch procurement unit;
7201 (iii) a judicial procurement unit;
7202 (iv) an educational procurement unit;
7203 (v) the Utah Communications Authority, established in Section 63H-7a-201;
7204 (vi) a local government procurement unit;
7205 (vii) a local district;
7206 (viii) a special service district;
7207 (ix) a local building authority;
7208 (x) a conservation district;
7209 (xi) a public corporation; and
7210 (b) does not include a political subdivision created under Title 11, Chapter 13,
7211 Interlocal Cooperation Act.
7212 (59) "Professional service" means labor, effort, or work that requires specialized
7213 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
7214 (a) accounting;
7215 (b) administrative law judge service;
7216 (c) architecture;
7217 (d) construction design and management;
7218 (e) engineering;
7219 (f) financial services;
7220 (g) information technology;
7221 (h) the law;
7222 (i) medicine;
7223 (j) psychiatry; or
7224 (k) underwriting.
7225 (60) "Protest officer" means:

7226 (a) for the division or an independent procurement unit:
7227 (i) the procurement official;
7228 (ii) the procurement official's designee who is an employee of the procurement unit; or
7229 (iii) a person designated by rule made by the rulemaking authority; or
7230 (b) for a procurement unit other than an independent procurement unit, the chief
7231 procurement officer or the chief procurement officer's designee who is an employee of the
7232 division.
7233 (61) "Public corporation" means the same as that term is defined in Section 63E-1-102.
7234 (62) "Public entity" means the state or any other government entity within the state that
7235 expends public funds.
7236 (63) "Public facility" means a building, structure, infrastructure, improvement, or other
7237 facility of a public entity.
7238 (64) "Public funds" means money, regardless of its source, including from the federal
7239 government, that is owned or held by a procurement unit.
7240 (65) "Public transit district" means a public transit district organized under Title 17B,
7241 Chapter 2a, Part 8, Public Transit District Act.
7242 (66) "Public-private partnership" means an arrangement or agreement, occurring on or
7243 after January 1, 2017, between a procurement unit and one or more contractors to provide for a
7244 public need through the development or operation of a project in which the contractor or
7245 contractors share with the procurement unit the responsibility or risk of developing, owning,
7246 maintaining, financing, or operating the project.
7247 (67) "Qualified vendor" means a vendor who:
7248 (a) is responsible; and
7249 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
7250 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
7251 thresholds set forth in the request for statement of qualifications.
7252 (68) "Real property" means land and any building, fixture, improvement, appurtenance,
7253 structure, or other development that is permanently affixed to land.

7254 (69) "Request for information" means a nonbinding process through which a
7255 procurement unit requests information relating to a procurement item.
7256 (70) "Request for proposals" means a document used to solicit proposals to provide a
7257 procurement item to a procurement unit, including all other documents that are attached to that
7258 document or incorporated in that document by reference.
7259 (71) "Request for proposals process" means the procurement process described in Part
7260 7, Request for Proposals.
7261 (72) "Request for statement of qualifications" means a document used to solicit
7262 information about the qualifications of a person interested in responding to a potential
7263 procurement, including all other documents attached to that document or incorporated in that
7264 document by reference.
7265 (73) "Requirements contract" means a contract:
7266 (a) under which a contractor agrees to provide a procurement unit's entire requirements
7267 for certain procurement items at prices specified in the contract during the contract period; and
7268 (b) that:
7269 (i) does not require a minimum purchase amount; or
7270 (ii) provides a maximum purchase limit.
7271 (74) "Responsible" means being capable, in all respects, of:
7272 (a) meeting all the requirements of a solicitation; and
7273 (b) fully performing all the requirements of the contract resulting from the solicitation,
7274 including being financially solvent with sufficient financial resources to perform the contract.
7275 (75) "Responsive" means conforming in all material respects to the requirements of a
7276 solicitation.
7277 (76) "Rule" includes a policy or regulation adopted by the rulemaking authority, if
7278 adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions
7279 that govern the applicable procurement unit.
7280 (77) "Rulemaking authority" means:
7281 (a) for a legislative procurement unit, the Legislative Management Committee;

7282 (b) for a judicial procurement unit, the Judicial Council;
7283 (c) (i) only to the extent of the procurement authority expressly granted to the
7284 procurement unit by statute:
7285 (A) for the building board or the facilities division, the building board;
7286 (B) for the Office of the Attorney General, the attorney general;
7287 (C) for the Department of Transportation created in Section 72-1-201, the executive
7288 director of the Department of Transportation; and
7289 (D) for any other executive branch department, division, office, or entity that has
7290 statutory procurement authority outside this chapter, the governing authority of the department,
7291 division, office, or entity; and
7292 (ii) for each other executive branch procurement unit, the board;
7293 (d) for a local government procurement unit:
7294 (i) the governing body of the local government unit; or
7295 (ii) an individual or body designated by the local government procurement unit;
7296 (e) for a school district or a public school, the board, except to the extent of a school
7297 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
7298 (f) for a state institution of higher education, the Utah Board of Higher Education;
7299 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
7300 State Board of Education;
7301 (h) for a public transit district, the chief executive of the public transit district;
7302 (i) for a local district other than a public transit district or for a special service district,
7303 the board, except to the extent that the board of trustees of the local district or the governing
7304 body of the special service district makes its own rules:
7305 (i) with respect to a subject addressed by board rules; or
7306 (ii) that are in addition to board rules;
7307 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
7308 Board of Higher Education;
7309 (k) for the School and Institutional Trust Lands Administration, created in Section

7310 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
7311 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,
7312 the School and Institutional Trust Fund Board of Trustees;
7313 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
7314 Utah Communications Authority board, created in Section 63H-7a-203; or
7315 (n) for any other procurement unit, the board.
7316 (78) "Service":
7317 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
7318 unit;
7319 (b) includes a professional service; and
7320 (c) does not include labor, effort, or work provided under an employment agreement or
7321 a collective bargaining agreement.
7322 (79) "Small purchase process" means the procurement process described in Section
7323 63G-6a-506.
7324 (80) "Sole source contract" means a contract resulting from a sole source procurement.
7325 (81) "Sole source procurement" means a procurement without competition pursuant to
7326 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
7327 procurement item.
7328 (82) "Solicitation" means an invitation for bids, request for proposals, or request for
7329 statement of qualifications.
7330 (83) "Solicitation response" means:
7331 (a) a bid submitted in response to an invitation for bids;
7332 (b) a proposal submitted in response to a request for proposals; or
7333 (c) a statement of qualifications submitted in response to a request for statement of
7334 qualifications.
7335 (84) "Special service district" means the same as that term is defined in Section
7336 17D-1-102.
7337 (85) "Specification" means any description of the physical or functional characteristics

7338 or of the nature of a procurement item included in an invitation for bids or a request for
7339 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:
7340 (a) a requirement for inspecting or testing a procurement item; or
7341 (b) preparing a procurement item for delivery.
7342 (86) "Standard procurement process" means:
7343 (a) the bidding process;
7344 (b) the request for proposals process;
7345 (c) the approved vendor list process;
7346 (d) the small purchase process; or
7347 (e) the design professional procurement process.
7348 (87) "State cooperative contract" means a contract awarded by the division for and in
7349 behalf of all public entities.
7350 (88) "Statement of qualifications" means a written statement submitted to a
7351 procurement unit in response to a request for statement of qualifications.
7352 (89) "Subcontractor":
7353 (a) means a person under contract to perform part of a contractual obligation under the
7354 control of the contractor, whether the person's contract is with the contractor directly or with
7355 another person who is under contract to perform part of a contractual obligation under the
7356 control of the contractor; and
7357 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
7358 to a contractor.
7359 (90) "Technology" means the same as "information technology," as defined in Section
7360 63F-1-102.
7361 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
7362 identical in price.
7363 (92) "Time and materials contract" means a contract under which the contractor is paid:
7364 (a) the actual cost of direct labor at specified hourly rates;
7365 (b) the actual cost of materials and equipment usage; and

7366 (c) an additional amount, expressly described in the contract, to cover overhead and
7367 profit, that is not based on a percentage of the cost to the contractor.
7368 (93) "Transitional costs":
7369 (a) means the costs of changing:
7370 (i) from an existing provider of a procurement item to another provider of that
7371 procurement item; or
7372 (ii) from an existing type of procurement item to another type;
7373 (b) includes:
7374 (i) training costs;
7375 (ii) conversion costs;
7376 (iii) compatibility costs;
7377 (iv) costs associated with system downtime;
7378 (v) disruption of service costs;
7379 (vi) staff time necessary to implement the change;
7380 (vii) installation costs; and
7381 (viii) ancillary software, hardware, equipment, or construction costs; and
7382 (c) does not include:
7383 (i) the costs of preparing for or engaging in a procurement process; or
7384 (ii) contract negotiation or drafting costs.
7385 (94) "Vendor":
7386 (a) means a person who is seeking to enter into a contract with a procurement unit to
7387 provide a procurement item; and
7388 (b) includes:
7389 (i) a bidder;
7390 (ii) an offeror;
7391 (iii) an approved vendor;
7392 (iv) a design professional; and
7393 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

7394 Section 175. Section **63G-6a-106** is amended to read:

7395 **63G-6a-106. Independent procurement units.**

7396 (1) An independent procurement unit may, without the supervision, interference,
7397 oversight, control, or involvement of the division or the chief procurement officer, but in
7398 accordance with the requirements of this chapter:

7399 (a) engage in a standard procurement process;

7400 (b) acquire a procurement item under an exception, as provided in this chapter, to the
7401 requirement to use a standard procurement process; or

7402 (c) otherwise engage in an act authorized or required by this chapter.

7403 (2) Notwithstanding Subsection (1), an independent procurement unit may agree in
7404 writing with the division to extend the authority of the division or the chief procurement officer
7405 to the procurement unit, as provided in the agreement.

7406 (3) With respect to a procurement or contract over which an independent procurement
7407 unit's procurement official has authority, the procurement official may:

7408 (a) manage and supervise the procurement to ensure to the extent practicable that
7409 taxpayers receive the best value;

7410 (b) prepare and issue standard specifications for procurement items;

7411 (c) review contracts, coordinate contract compliance, conduct contract audits, and
7412 approve change orders;

7413 (d) delegate duties and authority to an employee of the procurement unit, as the
7414 independent procurement unit's procurement official considers appropriate;

7415 (e) for the procurement official of an executive branch procurement unit that is an
7416 independent procurement unit, coordinate with the [~~Department~~] Division of Technology
7417 Services, created in Section [~~63F-1-103~~] 63A-16-103, with respect to the procurement unit's
7418 procurement of information technology services;

7419 (f) correct, amend, or cancel a procurement at any stage of the procurement process if
7420 the procurement is out of compliance with this chapter or a rule adopted by the rulemaking
7421 authority;

7422 (g) attempt to resolve a contract dispute in coordination with the legal counsel of the
7423 independent procurement unit; and
7424 (h) at any time during the term of a contract awarded by the independent procurement
7425 unit, correct or amend a contract to bring it into compliance or cancel the contract:
7426 (i) if the procurement official determines that correcting, amending, or canceling the
7427 contract is in the best interest of the procurement unit; and
7428 (ii) after consulting with, as applicable, the attorney general's office or the procurement
7429 unit's legal counsel.
7430 (4) The attorney general may, in accordance with the provisions of this chapter, but
7431 without involvement by the division or the chief procurement officer:
7432 (a) retain outside counsel, subject to Section 67-5-33 if the attorney general retains
7433 outside counsel under a contingent fee contract, as defined in that section; or
7434 (b) procure litigation support services, including retaining an expert witness.
7435 (5) An independent procurement unit that is not represented by the attorney general's
7436 office may, in accordance with the provisions of this chapter, but without involvement by the
7437 division or the chief procurement officer:
7438 (a) retain outside counsel; or
7439 (b) procure litigation support services, including retaining an expert witness.
7440 (6) The state auditor's office may, in accordance with the provisions of this chapter, but
7441 without involvement by the division or the chief procurement officer, procure audit services.
7442 (7) The state treasurer may, in accordance with the provisions of this chapter, but
7443 without involvement by the division or the chief procurement officer, procure:
7444 (a) deposit services; and
7445 (b) services related to issuing bonds.
7446 Section 176. Section **63G-6a-116** is amended to read:
7447 **63G-6a-116. Procurement of administrative law judge service.**
7448 (1) As used in this section:
7449 (a) "Administrative law judge" means the same as that term is defined in Section

7450 [~~67-19c-102~~] 63A-17-701.
7451 (b) "Administrative law judge service" means service provided by an administrative
7452 law judge.
7453 (2) A procurement unit shall use a standard procurement process under this chapter for
7454 the procurement of administrative law judge service.
7455 (3) For a procurement of administrative law judge service, an evaluation committee
7456 shall consist of:
7457 (a) the head of the conducting procurement unit, or the head's designee;
7458 (b) the head of an executive branch procurement unit other than the conducting
7459 procurement unit, appointed by the [~~executive~~] director of the [~~Department~~] Division of
7460 Human Resource Management, or the head's designee; and
7461 (c) the [~~executive~~] director of the [~~Department~~] Division of Human Resource
7462 Management, or the [~~executive~~] director's designee.
7463 (4) Within 30 days after the day on which a conducting procurement unit awards a
7464 contract for administrative law judge service, the conducting procurement unit shall give
7465 written notice to the [~~Department~~] Division of Human Resource Management that states:
7466 (a) that the conducting procurement unit awarded a contract for administrative law
7467 judge service;
7468 (b) the name of the conducting procurement unit; and
7469 (c) the expected term of the contract.
7470 (5) A procurement of administrative law judge service using a small purchase process
7471 is subject to rules made pursuant to Subsection 63G-6a-506(2)(c).
7472 Section 177. Section **63G-6a-202** is amended to read:
7473 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
7474 (1) There is created the Utah State Procurement Policy Board.
7475 (2) The board consists of up to 15 members as follows:
7476 (a) two representatives of state institutions of higher education, appointed by the Utah
7477 Board of Higher Education;

7478 (b) a representative of the Department of Human Services, appointed by the executive
7479 director of that department;
7480 (c) a representative of the Department of Transportation, appointed by the executive
7481 director of that department;
7482 (d) two representatives of school districts, appointed by the State Board of Education;
7483 (e) a representative of the Division of Facilities Construction and Management,
7484 appointed by the director of that division;
7485 (f) one representative of a county, appointed by the Utah Association of Counties;
7486 (g) one representative of a city or town, appointed by the Utah League of Cities and
7487 Towns;
7488 (h) two representatives of local districts or special service districts, appointed by the
7489 Utah Association of Special Districts;
7490 (i) the [~~executive~~] director of the [~~Department~~] Division of Technology Services or the
7491 executive director's designee;
7492 (j) the chief procurement officer or the chief procurement officer's designee; and
7493 (k) two representatives of state agencies, other than a state agency already represented
7494 on the board, appointed by the executive director of the Department of [~~Administrative~~
7495 ~~Services~~] Government Operations, with the approval of the executive director of the state
7496 agency that employs the employee.
7497 (3) Members of the board shall be knowledgeable and experienced in, and have
7498 supervisory responsibility for, procurement in their official positions.
7499 (4) A board member may serve as long as the member meets the description in
7500 Subsection (2) unless removed by the person or entity with the authority to appoint the board
7501 member.
7502 (5) (a) The board shall:
7503 (i) adopt rules of procedure for conducting its business; and
7504 (ii) elect a chair to serve for one year.
7505 (b) The chair of the board shall be selected by a majority of the members of the board

7506 and may be elected to succeeding terms.

7507 (c) The chief procurement officer shall designate an employee of the division to serve

7508 as the nonvoting secretary to the policy board.

7509 (6) A member of the board may not receive compensation or benefits for the member's

7510 service, but may receive per diem and travel expenses in accordance with:

7511 (a) Section 63A-3-106;

7512 (b) Section 63A-3-107; and

7513 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

7514 63A-3-107.

7515 Section 178. Section **63G-6a-302** is amended to read:

7516 **63G-6a-302. Chief procurement officer -- Qualifications -- Authority.**

7517 [~~(1) The executive director of the Department of Administrative Services, with the~~

7518 ~~consent of the governor, shall appoint the chief procurement officer after considering~~

7519 ~~recommendations from the board.~~]

7520 [~~(2)~~] (1) The chief procurement officer shall:

7521 (a) have a minimum of eight years' experience:

7522 (i) (A) in the large-scale procurement of supplies, services, or construction; or

7523 (B) negotiating contract terms and conditions; and

7524 (ii) at least five years of which shall have been in public or comparable private

7525 procurement within 12 years preceding the date of appointment; and

7526 (b) be a person with demonstrated executive and organizational ability.

7527 [~~(3)~~] (2) The chief procurement officer [~~appointed under Subsection (1)~~] is also the

7528 director of the Division of Purchasing and General Services.

7529 [~~(4)~~] (3) The chief procurement officer has authority over a procurement by a

7530 procurement unit, except:

7531 (a) an independent procurement unit; or

7532 (b) as otherwise expressly provided in this chapter.

7533 Section 179. Section **63G-6a-303** is amended to read:

7534 **63G-6a-303. Role, duties, and authority of chief procurement officer.**
7535 (1) The chief procurement officer:
7536 (a) is the director of the division;
7537 (b) serves as the central procurement officer of the state;
7538 (c) serves as a voting member of the board; and
7539 (d) serves as the protest officer for a protest relating to a procurement of an executive
7540 branch procurement, except an executive branch procurement unit designated under Subsection
7541 63G-6a-103(39)(b), (c), (d), or (e) as an independent procurement unit, or a state cooperative
7542 contract procurement, unless the chief procurement officer designates another to serve as
7543 protest officer, as authorized in this chapter.
7544 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:
7545 (a) develop procurement policies and procedures supporting ethical procurement
7546 practices, fair and open competition among vendors, and transparency within the state's
7547 procurement process;
7548 (b) administer the state's cooperative purchasing program, including state cooperative
7549 contracts and associated administrative fees;
7550 (c) enter into an agreement with a public entity for services provided by the division, if
7551 the agreement is in the best interest of the state;
7552 (d) ensure the division's compliance with any applicable law, rule, or policy, including
7553 a law, rule, or policy applicable to the division's role as an issuing procurement unit or
7554 conducting procurement unit, or as the state's central procurement organization;
7555 (e) manage the division's electronic procurement system;
7556 (f) oversee the recruitment, training, career development, certification requirements,
7557 and performance evaluation of the division's procurement personnel;
7558 (g) make procurement training available to procurement units and persons who do
7559 business with procurement units;
7560 (h) provide exemplary customer service and continually improve the division's
7561 procurement operations;

7562 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform
7563 all other functions authorized under this chapter; and
7564 (j) ensure that any training described in this Subsection (2) complies with Title 63G,
7565 Chapter 22, State Training and Certification Requirements.
7566 (3) With respect to a procurement or contract over which the chief procurement officer
7567 has authority under this chapter, the chief procurement officer, except as otherwise provided in
7568 this chapter:
7569 (a) shall:
7570 (i) manage and supervise a procurement to ensure to the extent practicable that
7571 taxpayers receive the best value;
7572 (ii) prepare and issue standard specifications for procurement items;
7573 (iii) review contracts, coordinate contract compliance, conduct contract audits, and
7574 approve change orders;
7575 (iv) in accordance with Section [~~63F-1-205~~] 63A-16-204, coordinate with the
7576 [~~Department~~] Division of Technology Services, created in Section [~~63F-1-103~~] 63A-16-103,
7577 with respect to the procurement of information technology services by an executive branch
7578 procurement unit;
7579 (v) correct, amend, or cancel a procurement at any stage of the procurement process if
7580 the procurement is out of compliance with this chapter or a board rule;
7581 (vi) after consultation with the attorney general's office, correct, amend, or cancel a
7582 contract at any time during the term of the contract if:
7583 (A) the contract is out of compliance with this chapter or a board rule; and
7584 (B) the chief procurement officer determines that correcting, amending, or canceling
7585 the contract is in the best interest of the state; and
7586 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the
7587 attorney general's office; and
7588 (b) may:
7589 (i) delegate limited purchasing authority to a state agency, with appropriate oversight

7590 and control to ensure compliance with this chapter;
7591 (ii) delegate duties and authority to an employee of the division, as the chief
7592 procurement officer considers appropriate;
7593 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance
7594 with the law and after consultation with the attorney general's office;
7595 (iv) authorize a procurement unit to make a procurement pursuant to a regional
7596 solicitation, as defined in Subsection 63G-6a-2105(7), even if the procurement item is also
7597 offered under a state cooperative contract, if the chief procurement officer determines that the
7598 procurement pursuant to a regional solicitation is in the best interest of the acquiring
7599 procurement unit; and
7600 (v) remove an individual from the procurement process or contract administration for:
7601 (A) having a conflict of interest or the appearance of a conflict of interest with a person
7602 responding to a solicitation or with a contractor;
7603 (B) having a bias or the appearance of bias for or against a person responding to a
7604 solicitation or for or against a contractor;
7605 (C) making an inconsistent or unexplainable score for a solicitation response;
7606 (D) having inappropriate contact or communication with a person responding to a
7607 solicitation;
7608 (E) socializing inappropriately with a person responding to a solicitation or with a
7609 contractor;
7610 (F) engaging in any other action or having any other association that causes the chief
7611 procurement officer to conclude that the individual cannot fairly evaluate a solicitation
7612 response or administer a contract; or
7613 (G) any other violation of a law, rule, or policy.
7614 (4) The chief procurement officer may not delegate to an individual outside the
7615 division the chief procurement officer's authority over a procurement described in Subsection
7616 (3)(a)(iv).
7617 (5) The chief procurement officer has final authority to determine whether an executive

7618 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to
7619 expend public funds, or provision of a benefit constitutes a procurement that is subject to this
7620 chapter.
7621 (6) Except as otherwise provided in this chapter, the chief procurement officer shall
7622 review, monitor, and audit the procurement activities and delegated procurement authority of
7623 an executive branch procurement unit, except to the extent that an executive branch
7624 procurement unit is designated under Subsection 63G-6a-103(39)(b), (c), (d), or (e) as an
7625 independent procurement unit, to ensure compliance with this chapter, rules made by the
7626 applicable rulemaking authority, and division policies.
7627 Section 180. Section **63G-6a-506** is amended to read:
7628 **63G-6a-506. Small purchases.**
7629 (1) As used in this section:
7630 (a) "Annual cumulative threshold" means the maximum total annual amount,
7631 established by the rulemaking authority under Subsection (2), that a procurement unit may
7632 expend to obtain procurement items from the same source under this section.
7633 (b) "Individual procurement threshold" means the maximum amount, established by
7634 the rulemaking authority under Subsection (2), for which a procurement unit may purchase a
7635 procurement item under this section.
7636 (c) "Single procurement aggregate threshold" means the maximum total amount,
7637 established by the rulemaking authority under Subsection (2), that a procurement unit may
7638 expend to obtain multiple procurement items from one source at one time under this section.
7639 (2) (a) The rulemaking authority may make rules governing small purchases of any
7640 procurement item, including construction, job order contracting, design professional services,
7641 other professional services, information technology, and goods.
7642 (b) Rules under Subsection (2)(a) may include provisions:
7643 (i) establishing expenditure thresholds, including:
7644 (A) an annual cumulative threshold;
7645 (B) an individual procurement threshold; and

7646 (C) a single procurement aggregate threshold;
7647 (ii) establishing procurement requirements relating to the thresholds described in
7648 Subsection (2)(b)(i); and
7649 (iii) providing for the use of electronic, telephone, or written quotes.
7650 (c) If a procurement unit obtains administrative law judge service through a small
7651 purchase standard procurement process, rules made under Subsection (2)(a) shall provide that
7652 the process for the procurement of administrative law judge service include an evaluation
7653 committee described in Subsection 63G-6a-116(3).
7654 (3) Expenditures made under this section by a procurement unit may not exceed a
7655 threshold established by the rulemaking authority, unless the procurement official gives written
7656 authorization to exceed the threshold that includes the reasons for exceeding the threshold.
7657 (4) Except as provided in Subsection (5), an executive branch procurement unit may
7658 not obtain a procurement item through a small purchase standard procurement process if the
7659 procurement item may be obtained through a state cooperative contract or a contract awarded
7660 by the chief procurement officer under Subsection 63G-6a-2105(1).
7661 (5) Subsection (4) does not apply if:
7662 (a) the procurement item is obtained for an unanticipated, urgent, or emergency
7663 condition, including:
7664 (i) an item needed to avoid stopping a public construction project;
7665 (ii) an immediate repair to a facility or equipment; or
7666 (iii) another emergency condition; or
7667 (b) the chief procurement officer or the procurement official of a procurement unit that
7668 is an executive branch procurement unit with independent procurement authority:
7669 (i) determines in writing that it is in the best interest of the procurement unit to obtain
7670 an individual procurement item outside of the state contract, comparing:
7671 (A) the contract terms and conditions applicable to the procurement item under the
7672 state contract with the contract terms and conditions applicable to the procurement item if the
7673 procurement item is obtained outside of the state contract;

7674 (B) the maintenance and service applicable to the procurement item under the state
7675 contract with the maintenance and service applicable to the procurement item if the
7676 procurement item is obtained outside of the state contract;
7677 (C) the warranties applicable to the procurement item under the state contract with the
7678 warranties applicable to the procurement item if the procurement item is obtained outside of
7679 the state contract;
7680 (D) the quality of the procurement item under the state contract with the quality of the
7681 procurement item if the procurement item is obtained outside of the state contract; and
7682 (E) the ability of the vendor under the state contract to match the quoted cost of the
7683 procurement item if the procurement item is obtained outside of the state contract;
7684 (ii) for a procurement item that, if defective in its manufacture, installation, or
7685 performance, may result in serious physical injury, death, or substantial property damage,
7686 determines in writing that the terms and conditions, relating to liability for injury, death, or
7687 property damage, available from the source other than the contractor who holds the state
7688 contract, are similar to, or better than, the terms and conditions available under the state
7689 contract; and
7690 (iii) grants an exception, in writing, to the requirement described in Subsection (4).
7691 (6) Except as otherwise expressly provided in this section, a procurement unit:
7692 (a) may not use the small purchase standard procurement process described in this
7693 section for ongoing, continuous, and regularly scheduled procurements that exceed the annual
7694 cumulative threshold; and
7695 (b) shall make its ongoing, continuous, and regularly scheduled procurements that
7696 exceed the annual cumulative threshold through a contract awarded through another standard
7697 procurement process described in this chapter or an applicable exception to another standard
7698 procurement process, described in Part 8, Exceptions to Procurement Requirements.
7699 (7) This section does not prohibit regularly scheduled payments for a procurement item
7700 obtained under another provision of this chapter.
7701 (8) (a) It is unlawful for a person knowingly to divide a single procurement into

7702 multiple smaller procurements, including by dividing an invoice or purchase order into
7703 multiple invoices or purchase orders, if:
7704 (i) the single procurement would not have qualified as a small purchase under this
7705 section;
7706 (ii) one or more of the multiple smaller procurements qualify as a small purchase under
7707 this section; and
7708 (iii) the division is done with the intent to:
7709 (A) avoid having to use a standard procurement process, other than the small purchase
7710 process, that the person would otherwise be required to use for the single procurement; or
7711 (B) make one or more of the multiple smaller procurements fall below a small
7712 purchase expenditure threshold established by rule under Subsection (2)(b) that the single
7713 procurement would not have fallen below without the division.
7714 (b) A violation of Subsection (8)(a) is subject to penalties as provided in Subsection
7715 63G-6a-2404.3(2).
7716 (9) The Division of Finance within the Department of [~~Administrative Services~~]
7717 Government Operations may conduct an audit of an executive branch procurement unit to
7718 verify compliance with the requirements of this section.
7719 (10) An executive branch procurement unit may not make a small purchase after
7720 January 1, 2014, unless the chief procurement officer certifies that the person responsible for
7721 procurements in the procurement unit has satisfactorily completed training on this section and
7722 the rules made under this section.
7723 Section 181. Section **63G-7-901** is amended to read:
7724 **63G-7-901. Expenses of attorney general, general counsel for state judiciary, and**
7725 **general counsel for the Legislature in representing the state, the state's branches,**
7726 **members, or employees.**
7727 (1) (a) The Office of the Attorney General has primary responsibility to provide legal
7728 representation to the judicial, executive, and legislative branches of state government in cases
7729 where coverage under the Risk Management Fund created by Section 63A-4-201 applies.

7730 (b) When the attorney general has primary responsibility to provide legal representation
7731 to the judicial or legislative branches, the attorney general shall consult with the general
7732 counsel for the state judiciary and with the general counsel for the Legislature, to solicit their
7733 assistance in defending their respective branch, and in determining strategy and making
7734 decisions concerning the disposition of those claims.
7735 (c) Notwithstanding Subsection (1)(b), the decision for settlement of monetary claims
7736 in those cases lies with the attorney general and the state risk manager.
7737 (2) (a) If the Judicial Council, after consultation with the general counsel for the state
7738 judiciary, determines that the Office of the Attorney General cannot adequately defend the state
7739 judiciary, its members, or employees because of a conflict of interest, separation of powers
7740 concerns, or other political or legal differences, the Judicial Council may direct its general
7741 counsel to separately represent and defend it.
7742 (b) If the general counsel for the state judiciary undertakes independent legal
7743 representation of the state judiciary, its members, or employees, the general counsel shall notify
7744 the state risk manager and the attorney general in writing before undertaking that
7745 representation.
7746 (c) If the state judiciary elects to be represented by its own counsel under this section,
7747 the decision for settlement of claims against the state judiciary, its members, or employees,
7748 where Risk Management Fund coverage applies, lies with the general counsel for the state
7749 judiciary and the state risk manager.
7750 (3) (a) If the Legislative Management Committee, after consultation with the general
7751 counsel for the Legislature, determines that the Office of the Attorney General cannot
7752 adequately defend the legislative branch, its members, or employees because of a conflict of
7753 interest, separation of powers concerns, or other political or legal differences, the Legislative
7754 Management Committee may direct its general counsel to separately represent and defend it.
7755 (b) If the general counsel for the Legislature undertakes independent legal
7756 representation of the Legislature, its members, or employees, the general counsel shall notify
7757 the state risk manager and the attorney general in writing before undertaking that

7758 representation.
7759 (c) If the legislative branch elects to be represented by its own counsel under this
7760 section, the decision for settlement of claims against the legislative branch, its members, or
7761 employees, where Risk Management Fund coverage applies, lies with the general counsel for
7762 the Legislature and the state risk manager.
7763 (4) (a) Notwithstanding the provisions of Section 67-5-3 or any other provision of the
7764 Utah Code, the attorney general, the general counsel for the state judiciary, and the general
7765 counsel for the Legislature may bill the Department of [~~Administrative Services~~] Government
7766 Operations for all costs and legal fees expended by their respective offices, including attorneys'
7767 and secretarial salaries, in representing the state or any indemnified employee against any claim
7768 for which the Risk Management Fund may be liable and in advising state agencies and
7769 employees regarding any of those claims.
7770 (b) The risk manager shall draw funds from the Risk Management Fund for this
7771 purpose.
7772 Section 182. Section **63G-9-303** is amended to read:
7773 **63G-9-303. Meeting to examine claims -- Notice of meeting.**
7774 (1) At least 60 days preceding the annual general session of the Legislature, the board
7775 shall hold a session for the purpose of examining the claims referred to in Section 63G-9-302,
7776 and may adjourn from time to time until the work is completed.
7777 (2) The board shall cause notice of such meeting or meetings to be published on the
7778 Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601.
7779 Section 183. Section **63G-10-501** is amended to read:
7780 **63G-10-501. Definitions.**
7781 As used in this part:
7782 (1) "Executive director" means the individual appointed under Section 63A-1-105 as
7783 the executive director of the Department of [~~Administrative Services~~] Government Operations,
7784 created in Section 63A-1-104.
7785 (2) "Risk management fund" means the fund created in Section 63A-4-201.

7786 (3) "Risk manager" means the state risk manager appointed under Section 63A-4-101.
7787 Section 184. Section **63G-21-102** is amended to read:
7788 **63G-21-102. Definitions.**
7789 As used in this chapter:
7790 (1) "Designated agency" means:
7791 (a) the Governor's Office of Economic Development;
7792 (b) the Division of Wildlife Resources;
7793 (c) the Department of Public Safety;
7794 (d) the [~~Department~~] Division of Technology Services; or
7795 (e) the Department of Workforce Services.
7796 (2) (a) "State service" means a service or benefit regularly provided to the public by a
7797 designated agency.
7798 (b) "State service" includes:
7799 (i) for the Governor's Office of Economic Development or the [~~Department~~] Division
7800 of Technology Services, public high-speed Internet access;
7801 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;
7802 (iii) for the Department of Public Safety, fingerprinting, an online driver license
7803 renewal, online appointment scheduling, an online motor vehicle record request, and an online
7804 change of address with the Driver License Division; and
7805 (iv) for the Department of Workforce Services, online job searches, verification of
7806 submission for benefits administered by the Department of Workforce Services, online
7807 unemployment applications, online food stamp applications, and online appointment
7808 scheduling.
7809 (3) "USPS" means the United States Postal Service.
7810 Section 185. Section **63J-1-206** is amended to read:
7811 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**
7812 **Transfer of funds -- Exclusion.**
7813 (1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly

7814 exempted in the appropriating act:
7815 (i) all money appropriated by the Legislature is appropriated upon the terms and
7816 conditions set forth in this chapter; and
7817 (ii) any department, agency, or institution that accepts money appropriated by the
7818 Legislature does so subject to the requirements of this chapter.
7819 (b) This section does not apply to:
7820 (i) the Legislature and its committees; and
7821 (ii) the Investigation Account of the Water Resources Construction Fund, which is
7822 governed by Section 73-10-8.
7823 (2) (a) Each item of appropriation is to be expended subject to any schedule of
7824 programs and any restriction attached to the item of appropriation, as designated by the
7825 Legislature.
7826 (b) Each schedule of programs or restriction attached to an appropriation item:
7827 (i) is a restriction or limitation upon the expenditure of the respective appropriation
7828 made;
7829 (ii) does not itself appropriate any money; and
7830 (iii) is not itself an item of appropriation.
7831 (c) (i) An appropriation or any surplus of any appropriation may not be diverted from
7832 any department, agency, institution, division, or line item to any other department, agency,
7833 institution, division, or line item.
7834 (ii) If the money appropriated to an agency to pay lease payments under the program
7835 established in Section 63A-5b-703 exceeds the amount required for the agency's lease
7836 payments to the Division of Facilities Construction and Management, the agency may:
7837 (A) transfer money from the lease payments line item to other line items within the
7838 agency; and
7839 (B) retain and use the excess money for other purposes.
7840 (d) The money appropriated subject to a schedule of programs or restriction may be
7841 used only for the purposes authorized.

7842 (e) In order for a department, agency, or institution to transfer money appropriated to it
7843 from one program to another program within a line item, the department, agency, or institution
7844 shall revise its budget execution plan as provided in Section 63J-1-209.
7845 (f) (i) The procedures for transferring money between programs within a line item as
7846 provided by Subsection (2)(e) do not apply to money appropriated to the State Board of
7847 Education for the Minimum School Program or capital outlay programs created in Title 53F,
7848 Chapter 3, State Funding -- Capital Outlay Programs.
7849 (ii) The state superintendent may transfer money appropriated for the programs
7850 specified in Subsection (2)(f)(i) only as provided by Section 53F-2-205.
7851 (3) Notwithstanding Subsection (2)(c)(i):
7852 (a) the state superintendent may transfer money appropriated for the Minimum School
7853 Program between line items in accordance with Section 53F-2-205;
7854 (b) the Department of [~~Administrative Services~~] Government Operations may transfer
7855 money appropriated for the purpose of paying the costs of paid employee postpartum recovery
7856 leave under Section [~~67-19-14.7~~] 63A-17-511 to another department, agency, institution, or
7857 division; and
7858 (c) the Department of [~~Administrative Services~~] Government Operations may transfer
7859 or divert money to another department, agency, institution, or division only for the purposes of
7860 coordinating and providing a state response to the coronavirus.
7861 Section 186. Section **63J-1-219** is amended to read:
7862 **63J-1-219. Definitions -- Federal receipts reporting requirements.**
7863 (1) As used in this section:
7864 (a) (i) "Designated state agency" means the Department of [~~Administrative Services~~]
7865 Government Operations, the Department of Agriculture and Food, the Department of Alcoholic
7866 Beverage Control, the Department of Commerce, the Department of Heritage and Arts, the
7867 Department of Corrections, the Department of Environmental Quality, the Department of
7868 Financial Institutions, the Department of Health, [~~the Department of Human Resource~~
7869 ~~Management,~~] the Department of Human Services, the Department of Insurance, the

7870 Department of Natural Resources, the Department of Public Safety, [~~the Department of~~
7871 ~~Technology Services,~~] the Department of Transportation, the Department of Veterans and
7872 Military Affairs, the Department of Workforce Services, the Labor Commission, the Office of
7873 Economic Development, the Public Service Commission, the Utah Board of Higher Education,
7874 the State Board of Education, the State Tax Commission, or the Utah National Guard.
7875 (ii) "Designated state agency" does not include the judicial branch, the legislative
7876 branch, or an office or other entity within the judicial branch or the legislative branch.
7877 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
7878 Sec. 7501, that is reported as part of a single audit.
7879 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.
7880 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
7881 before October 31, prepare a report that:
7882 (a) reports the aggregate value of federal receipts the designated state agency received
7883 for the preceding fiscal year;
7884 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the
7885 designated state agency for the preceding fiscal year;
7886 (c) calculates the percentage of the designated state agency's total budget for the
7887 preceding fiscal year that constitutes federal receipts that the designated state agency received
7888 for that fiscal year; and
7889 (d) develops plans for operating the designated state agency if there is a reduction of:
7890 (i) 5% or more in the federal receipts that the designated state agency receives; and
7891 (ii) 25% or more in the federal receipts that the designated state agency receives.
7892 (3) (a) The report required by Subsection (2) that the Utah Board of Higher Education
7893 prepares shall include the information required by Subsections (2)(a) through (c) for each state
7894 institution of higher education listed in Section 53B-2-101.
7895 (b) The report required by Subsection (2) that the State Board of Education prepares
7896 shall include the information required by Subsections (2)(a) through (c) for each school district
7897 and each charter school within the public education system.

7898 (4) A designated state agency that prepares a report in accordance with Subsection (2)
7899 shall submit the report to the Division of Finance on or before November 1 of each year.
7900 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
7901 report that:
7902 (i) compiles and summarizes the reports the Division of Finance receives in accordance
7903 with Subsection (4); and
7904 (ii) compares the aggregate value of federal receipts each designated state agency
7905 received for the previous fiscal year to the aggregate amount of federal funds appropriated by
7906 the Legislature to that designated state agency for that fiscal year.
7907 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
7908 compile a list of designated state agencies that do not submit a report as required by this
7909 section.
7910 (6) The Division of Finance shall submit the report required by Subsection (5) to the
7911 Executive Appropriations Committee on or before December 1 of each year.
7912 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive
7913 Appropriations Committee shall place the report on the agenda for review and consideration at
7914 the next Executive Appropriations Committee meeting.
7915 (8) When considering the report required by Subsection (5), the Executive
7916 Appropriations Committee may elect to:
7917 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
7918 state agency;
7919 (b) take no action; or
7920 (c) take another action that a majority of the committee approves.
7921 Section 187. Section **63J-1-602.2** is amended to read:
7922 **63J-1-602.2. List of nonlapsing appropriations to programs.**
7923 Appropriations made to the following programs are nonlapsing:
7924 (1) The Legislature and the Legislature's committees.
7925 (2) The State Board of Education, including all appropriations to agencies, line items,

7926 and programs under the jurisdiction of the State Board of Education, in accordance with
7927 Section 53F-9-103.
7928 (3) The Percent-for-Art Program created in Section 9-6-404.
7929 (4) The LeRay McAllister Critical Land Conservation Program created in Section
7930 11-38-301.
7931 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
7932 Subsection 17-16-21(2)(d)(ii).
7933 (6) The Trip Reduction Program created in Section 19-2a-104.
7934 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
7935 the Pelican Management Act, as provided in Section 23-21a-6.
7936 (8) The emergency medical services grant program in Section 26-8a-207.
7937 (9) The primary care grant program created in Section 26-10b-102.
7938 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
7939 26-18-3(7).
7940 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
7941 26-46-102.
7942 (12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
7943 (13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
7944 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance
7945 with Subsection 32B-2-301(8)(a) or (b).
7946 (15) The General Assistance program administered by the Department of Workforce
7947 Services, as provided in Section 35A-3-401.
7948 (16) A new program or agency that is designated as nonlapsing under Section
7949 36-24-101.
7950 (17) The Utah National Guard, created in Title 39, Militia and Armories.
7951 (18) The State Tax Commission under Section 41-1a-1201 for the:
7952 (a) purchase and distribution of license plates and decals; and
7953 (b) administration and enforcement of motor vehicle registration requirements.

7954 (19) The Search and Rescue Financial Assistance Program, as provided in Section
7955 53-2a-1102.
7956 (20) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
7957 (21) The Utah Board of Higher Education for teacher preparation programs, as
7958 provided in Section 53B-6-104.
7959 (22) The Medical Education Program administered by the Medical Education Council,
7960 as provided in Section 53B-24-202.
7961 (23) The Division of Services for People with Disabilities, as provided in Section
7962 62A-5-102.
7963 (24) The Division of Fleet Operations for the purpose of upgrading underground
7964 storage tanks under Section 63A-9-401.
7965 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
7966 (26) Appropriations to the [~~Department~~] Division of Technology Services for
7967 technology innovation as provided under Section [~~63F-4-202~~] 63A-16-903.
7968 (27) The Office of Administrative Rules for publishing, as provided in Section
7969 63G-3-402.
7970 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
7971 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
7972 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
7973 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
7974 Employment Expansion Program.
7975 (30) Appropriations to fund programs for the Jordan River Recreation Area as
7976 described in Section 65A-2-8.
7977 (31) The [~~Department~~] Division of Human Resource Management user training
7978 program, as provided in Section [~~67-19-6~~] 63A-17-106.
7979 (32) A public safety answering point's emergency telecommunications service fund, as
7980 provided in Section 69-2-301.
7981 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

7982 (34) The Judicial Council for compensation for special prosecutors, as provided in
7983 Section 77-10a-19.
7984 (35) A state rehabilitative employment program, as provided in Section 78A-6-210.
7985 (36) The Utah Geological Survey, as provided in Section 79-3-401.
7986 (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.
7987 (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
7988 78B-6-144.5.
7989 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
7990 Defense Commission.
7991 (40) The program established by the Division of Facilities Construction and
7992 Management under Section 63A-5b-703 under which state agencies receive an appropriation
7993 and pay lease payments for the use and occupancy of buildings owned by the Division of
7994 Facilities Construction and Management.
7995 Section 188. Section **67-1-8.1** is amended to read:
7996 **67-1-8.1. Executive Residence Commission -- Recommendations as to use,**
7997 **maintenance, and operation of executive residence.**
7998 (1) The Legislature finds and declares that:
7999 (a) the state property known as the Thomas Kearns Mansion is a recognized state
8000 landmark possessing historical and architectural qualities that should be preserved; and
8001 (b) the Thomas Kearns Mansion was the first building listed on the National Register
8002 of Historic Places in the state.
8003 (2) As used in this section:
8004 (a) "Executive residence" includes the:
8005 (i) Thomas Kearns Mansion;
8006 (ii) Carriage House building; and
8007 (iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the
8008 Carriage House building.
8009 (b) "Commission" means the Executive Residence Commission established in this

8010 section.
8011 (3) (a) An Executive Residence Commission is established to make recommendations
8012 to the State Building Board for the use, operation, maintenance, repair, rehabilitation,
8013 alteration, restoration, placement of art and monuments, or adoptive use of the executive
8014 residence.
8015 (b) The commission shall meet at least once a year and make any recommendations to
8016 the State Building Board prior to August 1 of each year.
8017 (4) The commission shall consist of nine voting members and one ex officio,
8018 nonvoting member representing the Governor's Mansion Foundation. The membership shall
8019 consist of:
8020 (a) three private citizens appointed by the governor, who have demonstrated an interest
8021 in historical preservation;
8022 (b) three additional private citizens appointed by the governor with the following
8023 background:
8024 (i) an interior design professional with a background in historic spaces;
8025 (ii) an architect with a background in historic preservation and restoration
8026 recommended by the Utah chapter of the American Institute of Architects; and
8027 (iii) a landscape architect with a background and knowledge of historic properties
8028 recommended by the Utah chapter of the American Society of Landscape Architects;
8029 (c) the director, or director's designee, of the Division of Art and Museums;
8030 (d) the director, or director's designee, of the Division of State History; and
8031 (e) the executive director, or executive director's designee, of the Department of
8032 [~~Administrative Services~~] Government Operations.
8033 (5) (a) Except as required by Subsection (5)(b), as terms of current commission
8034 members expire, the governor shall appoint each new member or reappointed member to a
8035 four-year term ending on March 1.
8036 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
8037 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

8038 commission members are staggered so that approximately half of the commission is appointed
8039 every two years.
8040 (6) (a) The governor shall appoint a chair from among the membership of the
8041 commission.
8042 (b) Six members of the commission shall constitute a quorum, and either the chair or
8043 two other members of the commission may call meetings of the commission.
8044 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
8045 appointed for the unexpired term.
8046 (8) A member may not receive compensation or benefits for the member's service, but
8047 may receive per diem and travel expenses in accordance with:
8048 (a) Section 63A-3-106;
8049 (b) Section 63A-3-107; and
8050 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8051 63A-3-107.
8052 (9) The Division of Facilities Construction and Management shall provide the
8053 administrative support to the commission.
8054 Section 189. Section **67-5-7** is amended to read:
8055 **67-5-7. Establishment of career service system.**
8056 (1) The purpose of this chapter is to establish a career service system for employees of
8057 the Office of the Attorney General that will attract and retain employees of proven ability and
8058 experience who will devote their full time to the service of the state.
8059 (2) The Office of the Attorney General may adopt policies necessary to implement this
8060 chapter, including personnel and work policies different from those made by the [~~Department~~]
8061 Division of Human Resource Management.
8062 Section 190. Section **67-5-22** is amended to read:
8063 **67-5-22. Identity theft reporting information system -- Internet website and**
8064 **database -- Access -- Maintenance and rulemaking -- Criminal provisions.**
8065 (1) There is created within the Office of the Attorney General the Identity Theft

8066 Reporting Information System (IRIS) Program to establish a database and Internet website to:
8067 (a) allow persons in the state to submit reports of identity theft;
8068 (b) assist the Office of the Attorney General in notifying state and local law
8069 enforcement agencies of reports of identity theft;
8070 (c) provide assistance and resources to victims of identity theft;
8071 (d) provide a centralized location where information related to incidents of identity
8072 theft may be securely stored and accessed for the benefit of victims of identity theft; and
8073 (e) provide public education and information relating to identity theft.
8074 (2) (a) The Internet website shall be maintained by the Office of the Attorney General
8075 and shall be made available to the public and to victims of identity-related crimes.
8076 (b) The Internet website shall:
8077 (i) allow a victim of an identity-related crime to report the crime on the website and
8078 have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in
8079 which the crime occurred; and
8080 (ii) provide public education and information relating to identity theft.
8081 (c) The Internet website may be expanded to provide other identity-related services to
8082 victims according to the procedures of Subsection (4).
8083 (3) (a) The [~~Department~~] Division of Technology Services shall administer and
8084 maintain the database established under this section in an electronic file or other format as
8085 established by the department.
8086 (b) (i) The database shall be maintained for the purpose of identifying victims of
8087 identity theft who have filed a report with the program established under this section, and may
8088 contain the personally identifiable information for each victim, which may include the
8089 following information related to an incident of identify theft:
8090 (A) the victim's name, address, email addresses, and telephone numbers;
8091 (B) the victim's [~~Social Security~~] social security number and other identifying
8092 information;
8093 (C) the victim's financial institution information, account numbers, and transaction

8094 information;
8095 (D) the victim's benefit information;
8096 (E) the victim's credit account information;
8097 (F) the victim's loan information;
8098 (G) the victim's employment information;
8099 (H) the victim's Internal Revenue Service or tax information;
8100 (I) the victim's utility service information;
8101 (J) information concerning legal matters or collections related to the incident;
8102 (K) information concerning unauthorized or illegal transactions, denied credit, stolen
8103 identification, and all other unauthorized actions related to the identity theft; and
8104 (L) any other information related to the incident of identity theft that the victim or the
8105 Office of the Attorney General elects to include in the database.
8106 (ii) The database shall record and maintain:
8107 (A) identification information for each person who requests or receives information
8108 from the database;
8109 (B) a record of the information that is requested or received by each person who
8110 requests or receives information from the database; and
8111 (C) a record of the date and time that any information is requested or provided from the
8112 database.
8113 (c) Information in the database is considered to be the property of the Office of the
8114 Attorney General, and retains any classification given it under Title 63G, Chapter 2,
8115 Government Records Access and Management Act.
8116 (4) The [~~Department~~] Division of Technology Services, with the approval of the Office
8117 of the Attorney General, may make rules to:
8118 (a) permit the following persons to have access to the database:
8119 (i) federal, state, and local law enforcement authorities, provided that the authority is
8120 acting within a specified duty of the authority's employment in enforcing laws;
8121 (ii) participating merchants and financial institutions, provided that the merchant or

8122 institution has entered into an access agreement with the Office of the Attorney General; and
8123 (iii) other persons, to be established by rule, provided that the person's access to the
8124 information is necessary and reasonable to accomplish the purposes of the program as provided
8125 in Subsection (1);
8126 (b) define and enforce limitations on access to information via the Internet website or
8127 in the database; and
8128 (c) establish standards and procedures to ensure accurate identification of individuals
8129 that are requesting or receiving information from the Internet website or the database.
8130 (5) (a) In addition to the penalties provided under Title 63G, Chapter 2, Government
8131 Records Access and Management Act, a person may not knowingly and intentionally release or
8132 disclose information from the database in violation of the limitations provided under
8133 Subsection (4)(a).
8134 (b) A violation of Subsection (5)(a) is a third degree felony.
8135 (6) (a) A person may not obtain or attempt to obtain information from the database by
8136 misrepresentation or fraud.
8137 (b) A violation of Subsection (6)(a) is a third degree felony.
8138 (7) (a) A person may not knowingly and intentionally use, release, publish, or
8139 otherwise make available to any other person or entity any information obtained from the
8140 database for any purpose other than those specified under Subsection (4)(a).
8141 (b) Each separate violation of Subsection (7)(a) is a third degree felony.
8142 Section 191. Section **67-8-3** is amended to read:
8143 **67-8-3. Compensation plan for appointive officers -- Exceptions -- Legislative**
8144 **approval -- Career status attorneys.**
8145 (1) (a) The [~~executive~~] director of the [~~Department~~] Division of Human Resource
8146 Management, based upon recommendations of the Executive and Judicial Compensation
8147 Commission shall, before October 31 of each year, recommend to the governor a compensation
8148 plan for appointed officers of the state except those officers whose compensation is set under
8149 Section 49-11-203, 53E-3-302, 53B-1-408, or 53C-1-301.

8150 (b) The plan shall include salaries and wages, paid leave, group insurance plans,
8151 retirement programs, and any other benefits that may be offered to state officers.
8152 (2) The governor shall include in each annual budget proposal to the Legislature
8153 specific recommendations on compensation for those appointed state officers in Subsection (1).
8154 (3) (a) After consultation with the attorney general, the [~~executive~~] director of the
8155 [~~Department~~] Division of Human Resource Management shall place career status attorneys on
8156 a state salary schedule at a range comparable with salaries paid attorneys in private and other
8157 public employment.
8158 (b) The attorney general and the executive director shall take into consideration the
8159 experience of the attorney, length of service with the Office of the Attorney General, quality of
8160 performance, and responsibility involved in legal assignments.
8161 (c) The attorney general and the executive director shall periodically adjust the salary
8162 levels for attorneys in a career status to reasonably compensate them for full-time employment
8163 and the restrictions placed on the private practice of law.
8164 Section 192. Section **67-8-5** is amended to read:
8165 **67-8-5. Duties of commission -- Salary recommendations.**
8166 (1) The commission shall recommend to the Legislature:
8167 (a) salaries for the governor, the lieutenant governor, the attorney general, the state
8168 auditor, and the state treasurer; and
8169 (b) salaries for justices of the Supreme Court and judges of the constitutional and
8170 statutory courts of record.
8171 (2) In making the salary recommendations described in Subsection (1), the commission
8172 shall:
8173 (a) consider:
8174 (i) the education and experience required for the position;
8175 (ii) the responsibility required of the position;
8176 (iii) whether the position requires accountability for funds or staff;
8177 (iv) wages paid for other comparable public and private employment in the state and in

8178 other similarly situated states;
8179 (v) any increase in the Consumer Price Index since the commission's last
8180 recommendations; and
8181 (vi) any other factors typically used to make similar recommendations;
8182 (b) consult with the [~~Department~~] Division of Human Resource Management; and
8183 (c) for the salary recommendations described in Subsection (1)(b), consult with the
8184 Judicial Council.
8185 (3) No later than January 2, the commission shall submit an annual electronic report to
8186 the Executive Appropriations Committee, the president of the Senate, the speaker of the House
8187 of Representatives, and the governor that:
8188 (a) briefly summarizes the commission's activities during the previous calendar year;
8189 and
8190 (b) provides any recommendations to modify the salaries of:
8191 (i) the governor, lieutenant governor, attorney general, state auditor, or state treasurer;
8192 or
8193 (ii) the justices of the Supreme Court or judges of the constitutional and statutory
8194 courts of record.
8195 (4) The Judicial Council shall cooperate with the commission in providing information
8196 relevant to the duties of the commission.
8197 Section 193. Section **67-19a-101** is amended to read:
8198 **67-19a-101. Definitions.**
8199 As used in this chapter:
8200 (1) "Abusive conduct" means the same as that term is defined in Section 67-26-102.
8201 (2) "Administrator" means the person appointed under Section 67-19a-201 to head the
8202 Career Service Review Office.
8203 (3) "Career service employee" means a person employed in career service as defined in
8204 Section 67-19-3.
8205 (4) [~~"Department"~~] "Division" means the [~~Department~~] Division of Human Resource

8206 Management.
8207 (5) "Employer" means the state of Utah and all supervisory personnel vested with the
8208 authority to implement and administer the policies of an agency.
8209 (6) "Excusable neglect" means harmless error, mistake, inadvertence, surprise, a failure
8210 to discover evidence that, through due diligence, could not have been discovered in time to
8211 meet the applicable time period, misrepresentation or misconduct by the employer, or any other
8212 reason justifying equitable relief.
8213 (7) "Grievance" means:
8214 (a) a complaint by a career service employee concerning any matter touching upon the
8215 relationship between the employee and the employer;
8216 (b) any dispute between a career service employee and the employer;
8217 (c) a complaint by a reporting employee that a public entity has engaged in retaliatory
8218 action against the reporting employee; and
8219 (d) a complaint that the employer subjected the employee to conditions that a
8220 reasonable person would consider intolerable, including abusive conduct.
8221 (8) "Office" means the Career Service Review Office created under Section
8222 67-19a-201.
8223 (9) "Public entity" means the same as that term is defined in Section 67-21-2.
8224 (10) "Reporting employee" means an employee of a public entity who alleges that the
8225 public entity engaged in retaliatory action against the employee.
8226 (11) "Retaliatory action" means to do any of the following to an employee in violation
8227 of Section 67-21-3:
8228 (a) dismiss the employee;
8229 (b) reduce the employee's compensation;
8230 (c) fail to increase the employee's compensation by an amount that the employee is
8231 otherwise entitled to or was promised;
8232 (d) fail to promote the employee if the employee would have otherwise been promoted;
8233 or

8234 (e) threaten to take an action described in Subsections (11)(a) through (d).
8235 (12) "Supervisor" means the person:
8236 (a) to whom an employee reports; or
8237 (b) who assigns and oversees an employee's work.
8238 Section 194. Section **67-19a-202** is amended to read:
8239 **67-19a-202. Powers -- Scope of authority.**
8240 (1) The office shall serve as the final administrative body to review a grievance from a
8241 career service employee and an agency of a decision regarding:
8242 (a) a dismissal;
8243 (b) a demotion;
8244 (c) a suspension;
8245 (d) a reduction in force;
8246 (e) a dispute concerning abandonment of position;
8247 (f) a wage grievance if an employee is not placed within the salary range of the
8248 employee's current position;
8249 (g) a violation of a rule adopted under Title 63A, Chapter [~~19~~] 17, Utah State
8250 Personnel Management Act; or
8251 (h) except as provided by Subsection (4), equitable administration of the following
8252 benefits:
8253 (i) long-term disability insurance;
8254 (ii) medical insurance;
8255 (iii) dental insurance;
8256 (iv) post-retirement health insurance;
8257 (v) post-retirement life insurance;
8258 (vi) life insurance;
8259 (vii) defined contribution retirement;
8260 (viii) defined benefit retirement; and
8261 (ix) a leave benefit.

8262 (2) The office shall serve as the final administrative body to review a grievance by a
8263 reporting employee alleging retaliatory action.
8264 (3) The office shall serve as the final administrative body to review, without an
8265 evidentiary hearing, the findings of an abusive conduct investigation described in Section
8266 67-26-202 of a state executive branch agency employee.
8267 (4) The office may not review or take action on:
8268 (a) a personnel matter not listed in Subsections (1) through (3);
8269 (b) a personnel matter listed in Subsections (1) through (3) that alleges discrimination
8270 or retaliation related to a claim of discrimination that is a violation of a state or federal law for
8271 which review and action by the office is preempted by state or federal law; or
8272 (c) a personnel matter related to a claim for which an administrative review process is
8273 provided by statute and administered by:
8274 (i) the Utah State Retirement Systems under Title 49, Utah State Retirement and
8275 Insurance Benefit Act;
8276 (ii) the Public Employees' Benefit and Insurance Program under Title 49, Chapter 20,
8277 Public Employees' Benefit and Insurance Program Act; or
8278 (iii) the Public Employees' Long-Term Disability Program under Title 49, Chapter 21,
8279 Public Employees' Long-Term Disability Act.
8280 (5) The time limits established in this chapter supersede the procedural time limits
8281 established in Title 63G, Chapter 4, Administrative Procedures Act.
8282 Section 195. Section **67-19a-205** is amended to read:
8283 **67-19a-205. Employment transfer.**
8284 At any point during the grievance process, the employer and the employee may
8285 mutually agree to a transfer of the employee to another equivalent position, if and to the extent
8286 that such a position is available, in accordance with [~~department~~] division rules for transfer and
8287 reassignment.
8288 Section 196. Section **67-19a-303** is amended to read:
8289 **67-19a-303. Employees' rights in grievance procedure.**

8290 (1) For the purpose of submitting and advancing a grievance, a career service
8291 employee, or a reporting employee alleging retaliatory action, may:
8292 (a) obtain assistance by a representative of the employee's choice to act as an advocate
8293 at any level of the grievance procedure;
8294 (b) request a reasonable amount of time during work hours to confer with the
8295 representative and prepare the grievance; and
8296 (c) call other employees as witnesses at a grievance hearing.
8297 (2) The state shall allow employees to attend and testify at the grievance hearing as
8298 witnesses if the employee has given reasonable advance notice to the employee's immediate
8299 supervisor.
8300 (3) No person may take any reprisals against a career service employee or a reporting
8301 employee for:
8302 (a) use of or participation in a grievance procedure described in this chapter; or
8303 (b) representing and providing assistance to a career service employee as an advocate
8304 in accordance with Subsection (1)(a).
8305 (4) If the individual acting as an advocate for a career service employee under
8306 Subsection (1)(a) is a state employee, the individual may not receive state compensation for the
8307 time the employee spends in the course of that representation unless the individual uses
8308 approved leave during that time.
8309 (5) (a) The employing agency of an employee who files a grievance may not place
8310 grievance forms, grievance materials, correspondence about the grievance, agency and
8311 [~~department~~] division replies to the grievance, or other documents relating to the grievance in
8312 the employee's personnel file.
8313 (b) The employing agency of an employee who files a grievance may place records of
8314 disciplinary action in the employee's personnel file.
8315 (c) If any disciplinary action against an employee is rescinded through the grievance
8316 procedures described in this chapter, the agency and the [~~Department~~] Division of Human
8317 Resource Management shall remove the record of the disciplinary action from the employee's

8318 agency personnel file and central personnel file.
8319 (d) An agency may maintain a separate grievance file relating to an employee's
8320 grievance, but shall discard the file after three years.
8321 Section 197. Section **67-19a-501** is amended to read:
8322 **67-19a-501. Procedural steps to be followed in an administrative review of an**
8323 **abusive conduct investigation.**
8324 (1) An employee of a state executive branch agency, as defined in Section 67-26-102,
8325 may, under Subsection 67-19a-202(3), initiate an administrative review of the findings of an
8326 abusive conduct investigation within 10 days after the day on which the employee receives
8327 notification of the investigative findings.
8328 (2) (a) An employee bringing an administrative review of the findings described in
8329 Subsection (1) may file the request for the administrative review directly with the office.
8330 (b) The request for administrative review may describe the reasons for the
8331 administrative review and include any submissions the employee desires to submit.
8332 (3) (a) When an employee initiates the review described in Subsection (2) with the
8333 office:
8334 (i) the role of the administrative review is to review and rule upon the findings of the
8335 abusive conduct investigation; and
8336 (ii) an evidentiary hearing is not required.
8337 (b) The [~~department~~] division shall make the abusive conduct investigative file
8338 available for the office's in camera review.
8339 (c) The office may:
8340 (i) request additional relevant documents from the [~~department~~] division or the affected
8341 employee; and
8342 (ii) interview the employee who initiated the administrative review and the
8343 investigators who conducted the investigation.
8344 (4) (a) The office may overturn the findings of the abusive conduct investigation if the
8345 office determines that:

8346 (i) the findings are not reasonable, rational, or sufficiently supported by the evidence;
8347 or
8348 (ii) the facts on which the findings are based are inaccurate.
8349 (b) The office may uphold the findings of the abusive conduct investigation if the
8350 office determines that:
8351 (i) the findings are reasonable, rational, and sufficiently supported by the evidence; and
8352 (ii) the facts on which the findings are based are accurate.
8353 (5) (a) Within 30 days after the day on which an employee initiates an administrative
8354 review under this section, the office shall issue a notice stating whether the office upheld or
8355 overturned the investigative findings.
8356 (b) The office's determination upon administrative review of the findings resulting
8357 from an abusive conduct investigation is final and not subject to appeal.
8358 (c) The following are classified as protected under Title 63G, Chapter 2, Government
8359 Records Access and Management Act, and any other applicable confidentiality provisions:
8360 (i) the request for administrative review and any accompanying documents;
8361 (ii) documents that any party provides;
8362 (iii) the contents of the administrative review file; and
8363 (iv) the office's determination.
8364 Section 198. Section **67-19d-201** is amended to read:
8365 **67-19d-201. Trust fund -- Creation -- Oversight -- Dissolution.**
8366 (1) There is created a post-retirement benefits trust fund entitled the "State
8367 Post-Retirement Benefits Trust Fund."
8368 (2) The trust fund consists of:
8369 (a) revenue provided from an ongoing labor additive as defined in Subsection
8370 67-19d-202(2)(g);
8371 (b) appropriations made to the fund by the Legislature, if any;
8372 (c) income as defined in Section 67-19d-102; and
8373 (d) other revenues received from other sources.

8374 (3) The Division of Finance shall account for the receipt and expenditures of trust fund
8375 money.
8376 (4) (a) The state treasurer shall invest trust fund money by following the procedures
8377 and requirements of Part 3, Trust Fund Investments.
8378 (b) (i) The trust fund shall earn interest.
8379 (ii) The state treasurer shall deposit all interest or other income earned from investment
8380 of the trust fund back into the trust fund.
8381 (5) The board of trustees created in Section 67-19d-202 may expend money from the
8382 trust fund for:
8383 (a) the employer portion of the costs of the programs established in Sections [~~67-19-14~~
8384 ~~through 67-19-14.4~~] 63A-17-505 through 63A-17-508; and
8385 (b) reasonable administrative costs that the board of trustees incurs in performing their
8386 duties as trustees of the trust fund.
8387 (6) The board of trustees shall ensure that:
8388 (a) money deposited into the trust fund is irrevocable and is expended only for the
8389 employer portion of the costs of post-retirement benefits;
8390 (b) assets of the trust fund are dedicated to providing benefits to retirees and their
8391 beneficiaries according to the terms of the post-retirement benefit plans established by statute
8392 and rule; and
8393 (c) creditors of the board of trustees and of employers liable for the post-retirement
8394 benefits may not seize, attach, or otherwise obtain assets of the trust fund.
8395 (7) When all of the liabilities for which the trust fund was created are paid, the
8396 Division of Finance shall transfer any assets remaining in the state trust fund into the
8397 appropriate fund.
8398 Section 199. Section **67-19f-102** is amended to read:
8399 **67-19f-102. Definitions.**
8400 As used in this chapter:
8401 (1) "Annual leave II" [~~is as~~] means the same as that term is defined in Section

8402 [~~67-19-14.6~~] 63A-17-510.
8403 (2) "Board of trustees" or "board" means the board of trustees created in Section
8404 67-19f-202.
8405 (3) "Income" means the revenues received by the state treasurer from investments of
8406 the trust fund principal.
8407 (4) "Trust fund" means the State Employees' Annual Leave Trust Fund created in
8408 Section 67-19f-201.
8409 Section 200. Section **67-19f-201** is amended to read:
8410 **67-19f-201. Trust fund -- Creation -- Oversight -- Dissolution.**
8411 (1) There is created a trust fund entitled the "State Employees' Annual Leave Trust
8412 Fund."
8413 (2) The trust fund consists of:
8414 (a) ongoing revenue provided from a state agency set aside for accrued annual leave II
8415 required under Section [~~67-19-14.6~~] 63A-17-510;
8416 (b) appropriations made to the trust fund by the Legislature, if any;
8417 (c) transfers from the termination pool described in Subsection [~~67-19-14.6~~]
8418 63A-17-510(6) made by the Division of Finance to the trust fund for annual leave liabilities
8419 accrued before the change date established under Section [~~67-19-14.6~~] 63A-17-510;
8420 (d) income; and
8421 (e) revenue received from other sources.
8422 (3) (a) The Division of Finance shall account for the receipt and expenditures of trust
8423 fund money.
8424 (b) The Division of Finance shall make the necessary adjustments to the amount of set
8425 aside costs required under Subsection [~~67-19-14.6~~] 63A-17-510(4)(a) to provide that upon the
8426 trust fund's accrual of funding equal to 10% of the annual leave liability, year-end trust fund
8427 balances remain equal to at least 10% of the total state employee annual leave liability.
8428 (4) (a) The state treasurer shall invest trust fund money by following the procedures
8429 and requirements of Part 3, Investment of Trust Funds.

8430 (b) (i) The trust fund shall earn interest.
8431 (ii) The state treasurer shall deposit all interest or other income earned from investment
8432 of the trust fund back into the trust fund.
8433 (5) The board of trustees created in Section 67-19f-202 may expend money from the
8434 trust fund for:
8435 (a) reimbursement to the employer of the costs paid to the trust fund in accordance
8436 with Section [~~67-19-14.6~~] 63A-17-510 as annual leave II is used by an employee;
8437 (b) payments based on accrued annual leave and on accrued annual leave II that are
8438 made upon termination of an employee; and
8439 (c) reasonable administrative costs that the board of trustees incurs in performing its
8440 duties as trustee of the trust fund.
8441 (6) The board of trustees shall ensure that:
8442 (a) money deposited into the trust fund is irrevocable and is expended only for the
8443 costs described in Subsection (5); and
8444 (b) assets of the trust fund are dedicated to providing annual leave and annual leave II
8445 established by statute and rule.
8446 (7) A creditor of the board of trustees or a state agency liable for annual leave benefits
8447 may not seize, attach, or otherwise obtain assets of the trust fund.
8448 Section 201. Section **67-20-8** is amended to read:
8449 **67-20-8. Volunteer experience credit.**
8450 (1) State agencies shall designate positions for which approved volunteer experience
8451 satisfies the job requirements for purposes of employment.
8452 (2) When evaluating applicants for those designated positions, state agencies shall
8453 consider documented approved volunteer experience in the same manner as similar paid
8454 employment.
8455 (3) The [~~Department~~] Division of Human Resource Management shall make statewide
8456 rules governing the:
8457 (a) designation of volunteer positions; and

8458 (b) a uniform process to document the approval, use, and hours worked by volunteers.
8459 Section 202. Section **67-22-2** is amended to read:
8460 **67-22-2. Compensation -- Other state officers.**
8461 (1) As used in this section:
8462 (a) "Appointed executive" means the:
8463 (i) commissioner of the Department of Agriculture and Food;
8464 (ii) commissioner of the Insurance Department;
8465 (iii) commissioner of the Labor Commission;
8466 (iv) director, Department of Alcoholic Beverage Control;
8467 (v) commissioner of the Department of Financial Institutions;
8468 (vi) executive director, Department of Commerce;
8469 (vii) executive director, Commission on Criminal and Juvenile Justice;
8470 (viii) adjutant general;
8471 (ix) executive director, Department of Heritage and Arts;
8472 (x) executive director, Department of Corrections;
8473 (xi) commissioner, Department of Public Safety;
8474 (xii) executive director, Department of Natural Resources;
8475 (xiii) executive director, Governor's Office of Management and Budget;
8476 (xiv) executive director, Department of [~~Administrative Services~~] Government
8477 Operations;
8478 [~~(xv) executive director, Department of Human Resource Management;~~]
8479 [~~(xvi)~~] (xv) executive director, Department of Environmental Quality;
8480 [~~(xvii)~~] (xvi) executive director, Governor's Office of Economic Development;
8481 [~~(xviii)~~] (xvii) executive director, Utah Science Technology and Research Governing
8482 Authority;
8483 [~~(xix)~~] (xviii) executive director, Department of Workforce Services;
8484 [~~(xx)~~] (xix) executive director, Department of Health, Nonphysician;
8485 [~~(xxi)~~] (xx) executive director, Department of Human Services;

8486 [~~(xxii)~~] (xxi) executive director, Department of Transportation; and
8487 [~~(xxiii) executive director, Department of Technology Services; and~~]
8488 [~~(xxiv)~~] (xxii) executive director, Department of Veterans and Military Affairs.
8489 (b) "Board or commission executive" means:
8490 (i) members, Board of Pardons and Parole;
8491 (ii) chair, State Tax Commission;
8492 (iii) commissioners, State Tax Commission;
8493 (iv) executive director, State Tax Commission;
8494 (v) chair, Public Service Commission; and
8495 (vi) commissioners, Public Service Commission.
8496 (c) "Deputy" means the person who acts as the appointed executive's second in
8497 command as determined by the [~~Department~~] Division of Human Resource Management.
8498 (2) (a) The [~~executive~~] director of the [~~Department~~] Division of Human Resource
8499 Management shall:
8500 (i) before October 31 of each year, recommend to the governor a compensation plan for
8501 the appointed executives and the board or commission executives; and
8502 (ii) base those recommendations on market salary studies conducted by the
8503 [~~Department~~] Division of Human Resource Management.
8504 (b) (i) The [~~Department~~] Division of Human Resource Management shall determine
8505 the salary range for the appointed executives by:
8506 (A) identifying the salary range assigned to the appointed executive's deputy;
8507 (B) designating the lowest minimum salary from those deputies' salary ranges as the
8508 minimum salary for the appointed executives' salary range; and
8509 (C) designating 105% of the highest maximum salary range from those deputies' salary
8510 ranges as the maximum salary for the appointed executives' salary range.
8511 (ii) If the deputy is a medical doctor, the [~~Department~~] Division of Human Resource
8512 Management may not consider that deputy's salary range in designating the salary range for
8513 appointed executives.

8514 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
8515 board or commission executives, the [~~Department~~] Division of Human Resource Management
8516 shall set the maximum salary in the salary range for each of those positions at 90% of the salary
8517 for district judges as established in the annual appropriation act under Section 67-8-2.
8518 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
8519 or (iii), the [~~Department~~] Division of Human Resource Management shall set the maximum
8520 salary in the salary range for each of those positions at 100% of the salary for district judges as
8521 established in the annual appropriation act under Section 67-8-2.
8522 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
8523 specific salary for each appointed executive within the range established under Subsection
8524 (2)(b).
8525 (ii) If the executive director of the Department of Health is a physician, the governor
8526 shall establish a salary within the highest physician salary range established by the
8527 [~~Department~~] Division of Human Resource Management.
8528 (iii) The governor may provide salary increases for appointed executives within the
8529 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
8530 (b) The governor shall apply the same overtime regulations applicable to other FLSA
8531 exempt positions.
8532 (c) The governor may develop standards and criteria for reviewing the appointed
8533 executives.
8534 (4) Salaries for other Schedule A employees, as defined in Section [~~67-19-15~~]
8535 63A-17-301, that are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected
8536 Official and Judicial Salary Act, shall be established as provided in Section [~~67-19-15~~]
8537 63A-17-301.
8538 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
8539 commission executives as follows:
8540 (i) the option of participating in a state retirement system established by Title 49, Utah
8541 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered

8542 by the State Retirement Office in accordance with the Internal Revenue Code and its
8543 accompanying rules and regulations;
8544 (ii) health insurance;
8545 (iii) dental insurance;
8546 (iv) basic life insurance;
8547 (v) unemployment compensation;
8548 (vi) workers' compensation;
8549 (vii) required employer contribution to Social Security;
8550 (viii) long-term disability income insurance;
8551 (ix) the same additional state-paid life insurance available to other noncareer service
8552 employees;
8553 (x) the same severance pay available to other noncareer service employees;
8554 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
8555 follows:
8556 (A) sick leave;
8557 (B) converted sick leave if accrued prior to January 1, 2014;
8558 (C) educational allowances;
8559 (D) holidays; and
8560 (E) annual leave except that annual leave shall be accrued at the maximum rate
8561 provided to Schedule B state employees;
8562 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
8563 provided by law or rule upon resignation or retirement according to the same criteria and
8564 procedures applied to Schedule B state employees;
8565 (xiii) the option to purchase additional life insurance at group insurance rates according
8566 to the same criteria and procedures applied to Schedule B state employees; and
8567 (xiv) professional memberships if being a member of the professional organization is a
8568 requirement of the position.
8569 (b) Each department shall pay the cost of additional state-paid life insurance for its

8570 executive director from its existing budget.
8571 (6) The Legislature fixes the following additional benefits:
8572 (a) for the executive director of the State Tax Commission a vehicle for official and
8573 personal use;
8574 (b) for the executive director of the Department of Transportation a vehicle for official
8575 and personal use;
8576 (c) for the executive director of the Department of Natural Resources a vehicle for
8577 commute and official use;
8578 (d) for the commissioner of Public Safety:
8579 (i) an accidental death insurance policy if POST certified; and
8580 (ii) a public safety vehicle for official and personal use;
8581 (e) for the executive director of the Department of Corrections:
8582 (i) an accidental death insurance policy if POST certified; and
8583 (ii) a public safety vehicle for official and personal use;
8584 (f) for the adjutant general a vehicle for official and personal use; and
8585 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
8586 official use.
8587 Section 203. Section **67-26-102** is amended to read:
8588 **67-26-102. Definitions.**
8589 As used in this chapter:
8590 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of an
8591 employee to another employee of the same employer that, based on the severity, nature, or
8592 frequency of the conduct, a reasonable person would determine:
8593 (i) is intended to cause intimidation, humiliation, or unwarranted distress;
8594 (ii) results in substantial physical harm or substantial psychological harm as a result of
8595 intimidation, humiliation, or unwarranted distress; or
8596 (iii) exploits an employee's known physical or psychological disability.
8597 (b) "Abusive conduct" does not mean a single act unless the act is an especially severe

8598 and egregious act that meets the standard described in Subsection (1)(a)(i), (ii), or (iii).
8599 (2) "Abusive conduct complaint process" means the process described in Section
8600 67-26-202.
8601 (3) "Administrative review process" means a process that allows an employee, in
8602 relation to the findings of an abusive conduct investigation, to seek an administrative review
8603 that:
8604 (a) an employer conducts in accordance with Section 67-26-202; or
8605 (b) in relation to a state executive branch agency, the [~~office~~] Career Service Review
8606 Office conducts in accordance with Section 67-19a-501.
8607 (4) [~~"Department"~~] "Division" means the [~~Department~~] Division of Human Resource
8608 Management.
8609 (5) (a) "Employee" means an employee of an employer.
8610 (b) "Employee" includes an elected or appointed official of an employer.
8611 (6) "Employer" means:
8612 (a) a state executive branch agency; or
8613 (b) an independent entity, as defined in Section 63E-1-102.
8614 (7) "Office" means the Career Service Review Office created under Section
8615 67-19a-201.
8616 (8) "Physical harm" means the impairment of an individual's physical health or bodily
8617 integrity, as established by competent evidence.
8618 (9) "Psychological harm" means the impairment of an individual's mental health, as
8619 established by competent evidence.
8620 (10) (a) "State executive branch agency" means a department, division, office, bureau,
8621 or other organization within the state executive branch.
8622 (b) "State executive branch agency" includes an agency under the authority of the
8623 governor, lieutenant governor, state treasurer, state auditor, or attorney general.
8624 (c) "State executive branch agency" does not include the Utah System of Higher
8625 Education or an independent entity, as defined in Section 63E-1-102.

8626 Section 204. Section **67-26-202** is amended to read:

8627 **67-26-202. Abusive conduct complaint, investigation, administrative review**
8628 **process.**

8629 (1) An employee may file a written complaint of abusive conduct with the human
8630 resources department of the employee's employer if the complaint is against an employee of the
8631 same employer as the employee filing the complaint.

8632 (2) If an employee files a written complaint of abusive conduct under Subsection (1),
8633 the human resources department of the employee's employer shall conduct an abusive conduct
8634 investigation.

8635 (3) (a) Each employer that is not a state executive branch agency:

8636 (i) shall provide the employer's employees a process for:

8637 (A) filing an abusive conduct complaint, including an alternative process if the
8638 complaint involves an individual who would otherwise receive or review an abusive conduct
8639 complaint; and

8640 (B) an administrative review of the findings of an abusive conduct investigation
8641 described in Subsection (2) that is substantially similar to the administrative review process
8642 described in Section 67-19a-501; and

8643 (ii) may request assistance from the [~~department~~] division, at the [~~department's~~]
8644 division's current consultant rate, or the office, at a reasonable rate established by the office, in
8645 developing a process described in this Subsection (3)(a).

8646 (b) The [~~department~~] division shall provide a process for an employee of a state
8647 executive branch agency to file an abusive conduct complaint, including an alternative process
8648 if the complaint involves an individual who would otherwise receive or review an abusive
8649 conduct complaint.

8650 (4) The complaint described in Subsection (1) and a subsequent abusive conduct
8651 investigation are subject to:

8652 (a) in relation to an employer other than a state executive branch agency, the
8653 administrative review process described in Subsection (3)(a); and

8654 (b) in relation to a state executive branch agency, the office's administrative review
8655 process described in Section 67-19a-501.
8656 Section 205. Section **67-26-301** is amended to read:
8657 **67-26-301. Abusive conduct training.**
8658 (1) (a) The [~~department~~] division shall provide biennial training to educate all state
8659 executive branch agency employees and supervisors about how to prevent abusive workplace
8660 conduct.
8661 (b) The training described in Subsection (1)(a) shall include information on:
8662 (i) what constitutes abusive conduct and the ramifications of abusive conduct;
8663 (ii) resources available to employees who are subject to abusive conduct; and
8664 (iii) the abusive conduct complaint process described in Section 67-26-202.
8665 (2) (a) The [~~department~~] division shall create a baseline training module for employers
8666 that are not state executive branch agencies to educate the employers' respective employees and
8667 supervisors about how to prevent abusive workplace conduct.
8668 (b) The baseline training module described in Subsection (2)(a) shall include
8669 information on what constitutes abusive conduct and the ramifications of abusive conduct.
8670 (c) Each employer that is not a state executive branch agency shall create and provide
8671 supplemental training to educate the employer's employees and supervisors that supplements
8672 the [~~department's~~] division's baseline training module with information regarding:
8673 (i) resources available to employees who are subject to abusive conduct; and
8674 (ii) the employer's abusive conduct complaint process described in Section 67-26-202.
8675 (d) An employer may request assistance from the [~~department~~] division, at the
8676 [~~department's~~] division's current consultant rate, in developing the training described in
8677 Subsection (2)(c).
8678 (3) (a) Each employer shall provide professional development training to promote:
8679 (i) ethical conduct;
8680 (ii) organizational leadership practices based in principles of integrity; and
8681 (iii) the state policy described in Section 67-26-201.

8682 (b) An employer may request assistance from the [~~department~~] division, at the
8683 [~~department's~~] division's current consultation rate, in developing training described in this
8684 Subsection (3).
8685 (4) (a) Employers shall provide and employees shall participate in the training
8686 described in this section:
8687 (i) at the time the employee is hired or within a reasonable time after the employee
8688 begins employment; and
8689 (ii) at least every other year after the employee begins employment.
8690 (b) An employer shall, at the times described in Subsection (4)(a), provide notification
8691 to the employee of the abusive conduct complaint process.
8692 (5) The [~~department~~] division may use money appropriated to the [~~department~~]
8693 division or access support from outside resources to:
8694 (a) develop policies against workplace abusive conduct; and
8695 (b) enhance professional development training on topics such as:
8696 (i) building trust;
8697 (ii) effective motivation;
8698 (iii) communication;
8699 (iv) conflict resolution;
8700 (v) accountability;
8701 (vi) coaching;
8702 (vii) leadership; or
8703 (viii) ethics.
8704 (6) (a) Beginning in 2021, and each year after 2021, an employer that is not a state
8705 executive branch agency shall, on or before July 31, report to the [~~department~~] division
8706 regarding:
8707 (i) the employer's implementation of this chapter, including the requirement to provide
8708 a process under Section 67-26-202; and
8709 (ii) the total number and outcomes of abusive conduct complaints that the employer's

8710 employees filed and that the employer investigated or reviewed.
8711 (b) The [~~department~~] division shall annually report to the Economic Development and
8712 Workforce Services Interim Committee, no later than the November interim meeting, the
8713 following:
8714 (i) a description the [~~department's~~] division's implementation of this chapter;
8715 (ii) the [~~department's~~] division's recommendations, if any, to:
8716 (A) appropriately address and reduce workplace abusive conduct; or
8717 (B) change definitions or training required by this section;
8718 (iii) an annual report of the total number and outcomes of abusive conduct complaints
8719 that employees filed and the department investigated; and
8720 (iv) a summary of the reports the department receives under Subsection (6)(a).
8721 Section 206. Section **72-1-202** is amended to read:
8722 **72-1-202. Executive director of department -- Appointment -- Qualifications --**
8723 **Term -- Responsibility -- Power to bring suits -- Salary.**
8724 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an
8725 executive director to be the chief executive officer of the department.
8726 (b) The executive director shall be a registered professional engineer and qualified
8727 executive with technical and administrative experience and training appropriate for the
8728 position.
8729 (c) The executive director shall remain in office until a successor is appointed.
8730 (d) The executive director may be removed by the governor.
8731 (2) In addition to the other functions, powers, duties, rights, and responsibilities
8732 prescribed in this chapter, the executive director shall:
8733 (a) have responsibility for the administrative supervision of the state transportation
8734 systems and the various operations of the department;
8735 (b) have the responsibility for the implementation of rules, priorities, and policies
8736 established by the department and the commission;
8737 (c) have the responsibility for the oversight and supervision of any transportation

8738 project for which state funds are expended;
8739 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
8740 department as the executive director considers reasonable and necessary for the proper
8741 attainment of the goals of this chapter;
8742 (e) receive a salary, to be established by the governor within the salary range fixed by
8743 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
8744 traveling expenses while away from the executive director's office on official business;
8745 (f) purchase all equipment, services, and supplies necessary to achieve the department's
8746 functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;
8747 (g) have the responsibility to determine whether a purchase from, contribution to, or
8748 other participation with a public entity or association of public entities in a pooled fund
8749 program to acquire, develop, or share information, data, reports, or other services related to the
8750 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
8751 Code;
8752 (h) have responsibility for administrative supervision of the Comptroller Division, the
8753 Internal Audit Division, and the Communications Division; and
8754 (i) appoint assistants, to serve at the discretion of the executive director, to administer
8755 the divisions of the department.
8756 (3) The executive director may employ other assistants and advisers as the executive
8757 director finds necessary and fix salaries in accordance with the salary standards adopted by the
8758 [~~Department~~] Division of Human Resource Management.
8759 Section 207. Section **79-2-401** is amended to read:
8760 **79-2-401. Volunteer workers authorized.**
8761 (1) The department and its divisions may use volunteer workers to supplement the
8762 salaried work force.
8763 (2) A volunteer may be reimbursed for expenses actually and necessarily incurred,
8764 including transportation, meals, lodging, uniforms, and other items as approved by the Division
8765 of Finance, in the amounts and in accordance with the rules of the Division of Finance.

8766 (3) A volunteer is considered an employee of the state for the purposes stated in
8767 Section 67-20-3.
8768 (4) A volunteer may not donate a service to the department or a division unless the
8769 work program in which the volunteer would serve has first been approved, in writing, by the
8770 executive director and the [~~executive~~] director of the [~~Department~~] Division of Human
8771 Resource Management.
8772 (5) Volunteer services shall comply with the rules adopted by the [~~Department~~]
8773 Division of Human Resource Management relating to the services that are not inconsistent with
8774 this section.
8775 Section 208. **Repealer.**
8776 This bill repeals:
8777 Section **63F-1-105, Appointment of executive director -- Compensation --**
8778 **Authority.**
8779 Section **63F-1-302, Information Technology Rate Committee -- Membership --**
8780 **Duties.**
8781 Section **63F-1-401, Title.**
8782 Section **63F-1-501, Title.**
8783 Section **63F-1-601, Title.**
8784 Section **63F-2-101, Title.**
8785 Section **63F-3-101, Title.**
8786 Section **63F-4-101, Title.**
8787 Section **67-19-29, Violation a misdemeanor.**
8788 Section **67-19d-101, Title.**
8789 Section **67-19e-101, Title.**
8790 Section **67-19f-101, Title.**
8791 Section **67-25-101, Title.**
8792 Section **67-25-301, Title.**
8793 Section **67-26-101, Title.**

8794 Section 209. **Appropriation.**
8795 The following sums of money are appropriated for the fiscal year beginning July 1,
8796 2021, and ending June 30, 2022. These are additions to amounts otherwise appropriated for
8797 fiscal year 2022.
8798 Subsection 209(a). **Operating and Capital Budgets.**
8799 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
8800 Legislature appropriates the following sums of money from the funds or accounts indicated for
8801 the use and support of the government of the state of Utah.
8802 ITEM 1
8803 To Department of Human Resource Management - Human Resource Management
8804 From General Fund (42,400)
8805 From Beginning Nonlapsing Balances (82,600)
8806 From Closing Nonlapsing Balances 105,900
8807 Schedule of Programs:
8808 Statewide Management Liability Training (19,100)
8809 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8810 Finance reflect all closing nonlapsing appropriation balances from Department of Human
8811 Resource Management - Human Resource Management as fiscal year 2022 beginning
8812 nonlapsing appropriation balances in Department of Government Operations - Human
8813 Resource Management.
8814 ITEM 2
8815 To Department of Government Operations - Human Resource Management
8816 From General Fund 42,400
8817 From Beginning Nonlapsing Balances 82,600
8818 From Closing Nonlapsing Balances (105,900)
8819 Schedule of Programs:
8820 Statewide Management Liability Training 19,100
8821 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

8822 Finance reflect all closing nonlapsing appropriation balances from Department of Human
8823 Resource Management - Human Resource Management as fiscal year 2022 beginning
8824 nonlapsing appropriation balances in Department of Government Operations - Human
8825 Resource Management.
8826 ITEM 3
8827 To Department of Administrative Services - Administrative Rules
8828 From General Fund (705,500)
8829 From General Fund, One-time (1,900)
8830 From Beginning Nonlapsing Balances (261,600)
8831 From Closing Nonlapsing Balances 324,300
8832 Schedule of Programs:
8833 DAR Administration (644,700)
8834 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8835 Finance reflect all closing nonlapsing appropriation balances from Department of
8836 Administrative Services - Administrative Rules as fiscal year 2022 beginning nonlapsing
8837 appropriation balances in Department of Government Operations - Administrative Rules.
8838 ITEM 4
8839 To Department of Government Operations - Administrative Rules
8840 From General Fund 705,500
8841 From General Fund, One-time 1,900
8842 From Beginning Nonlapsing Balances 261,600
8843 From Closing Nonlapsing Balances (324,300)
8844 Schedule of Programs:
8845 DAR Administration 644,700
8846 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8847 Finance reflect all closing nonlapsing appropriation balances from Department of
8848 Administrative Services - Administrative Rules as fiscal year 2022 beginning nonlapsing
8849 appropriation balances in Department of Government Operations - Administrative Rules.

8850 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
8851 Government Operations report performance measures for the Office of Administrative Rules
8852 line item, whose mission is "to enable citizen participation in their own government by
8853 supporting agency rulemaking and ensuring agency compliance with the Utah Administrative
8854 Rulemaking Act." The department shall report to the Office of the Legislative Fiscal Analyst
8855 and to the Governor's Office of Management and Budget before October 1, 2021 the final
8856 status of performance measures for FY 2021 and the current status of the following
8857 performance measures for FY 2022: 1) average number of business days to review rule filings
8858 (target: 4 days or less); and 2) average number of days from the effective date to publish the
8859 final version of an administrative rule after the rule becomes effective (target: 14 days or less).
8860 ITEM 5
8861 To Department of Administrative Services - DFCM Administration
8862 From General Fund (3,659,300)
8863 From General Fund, One-time (11,500)
8864 From Education Fund (734,600)
8865 From Education Fund, One-time (2,600)
8866 From Dedicated Credits Revenue (1,003,900)
8867 From Dedicated Credits Revenue, One-time (3,400)
8868 From Capital Projects Fund (3,858,100)
8869 From Capital Projects Fund, One-time (13,400)
8870 From Beginning Nonlapsing Balances (577,100)
8871 From Closing Nonlapsing Balances 189,300
8872 Schedule of Programs:
8873 DFCM Administration (8,959,300)
8874 Energy Program (538,200)
8875 Governor's Residence (177,100)
8876 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8877 Finance reflect all closing nonlapsing appropriation balances from Department of

8878 Administrative Services - DFCM Administration as fiscal year 2022 beginning nonlapsing
8879 appropriation balances in Department of Government Operations - DFCM Administration.
8880 ITEM 6
8881 To Department of Government Operations - DFCM Administration
8882 From General Fund 3,659,300
8883 From General Fund, One-time 11,500
8884 From Education Fund 734,600
8885 From Education Fund, One-time 2,600
8886 From Dedicated Credits Revenue 1,003,900
8887 From Dedicated Credits Revenue, One-time 3,400
8888 From Capital Projects Fund 3,858,100
8889 From Capital Projects Fund, One-time 13,400
8890 From Beginning Nonlapsing Balances 577,100
8891 From Closing Nonlapsing Balances (189,300)
8892 Schedule of Programs:
8893 DFCM Administration 8,959,300
8894 Energy Program 538,200
8895 Governor's Residence 177,100
8896 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8897 Finance reflect all closing nonlapsing appropriation balances from Department of
8898 Administrative Services - DFCM Administration as fiscal year 2022 beginning nonlapsing
8899 appropriation balances in Department of Government Operations - DFCM Administration.
8900 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
8901 Government Operations report performance measures for the DFCM Administration line item,
8902 whose mission is "to provide professional services to assist State entities in meeting their
8903 facility needs for the benefit of the public." The department shall report to the Office of the
8904 Legislative Fiscal Analyst and to the Governor's Office of Management and Budget before
8905 October 1, 2021 the final status of performance measures for FY 2021 and the current status of

8906 the following performance measures for FY 2022: 1) capital improvement projects completed
8907 in the fiscal year they are funded (target: at least 86%); and 2) accuracy of Capital Budget
8908 Estimates (CBE) (baseline +/- 10%; target +/- 5%).
8909 The Legislature intends that any excess DFCM Project Reserve Funds or Contingency
8910 Reserve Funds, as determined by DFCM's analysis of current balances and projected needs,
8911 will be transferred to the Utah State Correctional Facility project before any other uses of these
8912 funds for FY 2022.
8913 ITEM 7
8914 To Department of Administrative Services - Finance - Elected Official Post-Retirement
8915 Benefits Contribution
8916 From General Fund (1,248,800)
8917 Schedule of Programs:
8918 Elected Official Post-Retirement Trust Fund (1,248,800)
8919 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8920 Finance reflect all closing nonlapsing appropriation balances from Department of
8921 Administrative Services - Finance - Elected Official Post-Retirement Benefits Contribution as
8922 fiscal year 2022 beginning nonlapsing appropriation balances in Department of Government
8923 Operations - Finance - Elected Official Post-Retirement Benefits Contribution.
8924 ITEM 8
8925 To Department of Government Operations - Finance - Elected Official Post-Retirement
8926 Benefits Contribution
8927 From General Fund 1,248,800
8928 Schedule of Programs:
8929 Elected Official Post-Retirement Trust Fund 1,248,800
8930 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8931 Finance reflect all closing nonlapsing appropriation balances from Department of
8932 Administrative Services - Finance - Elected Official Post-Retirement Benefits Contribution as
8933 fiscal year 2022 beginning nonlapsing appropriation balances in Department of Government

8934 Operations - Finance - Elected Official Post-Retirement Benefits Contribution.
8935 ITEM 9
8936 To Department of Administrative Services - Executive Director
8937 From General Fund (1,558,300)
8938 From General Fund, One-time (2,700)
8939 From Dedicated Credits Revenue (238,700)
8940 From Dedicated Credits Revenue, One-time (600)
8941 From Beginning Nonlapsing Balances (250,000)
8942 From Closing Nonlapsing Balances 150,000
8943 Schedule of Programs:
8944 Executive Director (1,900,300)
8945 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8946 Finance reflect all closing nonlapsing appropriation balances from Department of
8947 Administrative Services - Executive Director as fiscal year 2022 beginning nonlapsing
8948 appropriation balances in Department of Government Operations - Executive Director.
8949 ITEM 10
8950 To Department of Government Operations - Executive Director
8951 From General Fund 1,558,300
8952 From General Fund, One-time 2,700
8953 From Dedicated Credits Revenue 238,700
8954 From Dedicated Credits Revenue, One-time 600
8955 From Beginning Nonlapsing Balances 250,000
8956 From Closing Nonlapsing Balances (150,000)
8957 Schedule of Programs:
8958 Executive Director 1,900,300
8959 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8960 Finance reflect all closing nonlapsing appropriation balances from Department of
8961 Administrative Services - Executive Director as fiscal year 2022 beginning nonlapsing

8962 appropriation balances in Department of Government Operations - Executive Director.
8963 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
8964 Government Operations report performance measures for the Executive Director line item,
8965 whose mission is "to create innovative solutions to transform government services." The
8966 department shall report to the Office of the Legislative Fiscal Analyst and to the Governor's
8967 Office of Management and Budget before October 1, 2021 the final status of performance
8968 measures for FY 2021 and the current status of the following performance measures for FY
8969 2022: 1) independent evaluation/audit of divisions/key programs (target: at least 4 annually);
8970 and 2) air quality improvement activities across state agencies (targets: 25 activities each year).
8971 ITEM 11
8972 To Department of Administrative Services - Finance - Mandated
8973 From General Fund (5,278,000)
8974 From General Fund, One-time 4,500,000
8975 From General Fund Restricted - Economic Incentive Restricted Account (3,255,000)
8976 From Gen. Fund Rest. - Land Exchange Distribution Account (308,200)
8977 Schedule of Programs:
8978 Development Zone Partial Rebates (3,255,000)
8979 Land Exchange Distribution (308,200)
8980 State Employee Benefits (778,000)
8981 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8982 Finance reflect all closing nonlapsing appropriation balances from Department of
8983 Administrative Services - Finance - Mandated as fiscal year 2022 beginning nonlapsing
8984 appropriation balances in Department of Government Operations - Finance - Mandated.
8985 ITEM 12
8986 To Department of Government Operations - Finance - Mandated
8987 From General Fund 5,278,000
8988 From General Fund, One-time (4,500,000)
8989 From General Fund Restricted - Economic Incentive Restricted Account 3,255,000

8990 From Gen. Fund Rest. - Land Exchange Distribution Account 308,200
8991 Schedule of Programs:
8992 Development Zone Partial Rebates 3,255,000
8993 Land Exchange Distribution 308,200
8994 State Employee Benefits 778,000
8995 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
8996 Finance reflect all closing nonlapsing appropriation balances from Department of
8997 Administrative Services - Finance - Mandated as fiscal year 2022 beginning nonlapsing
8998 appropriation balances in Department of Government Operations - Finance - Mandated.
8999 ITEM 13
9000 To Department of Administrative Services - Finance - Mandated - Ethics Commissions
9001 From General Fund (17,300)
9002 From Beginning Nonlapsing Balances (99,100)
9003 From Closing Nonlapsing Balances 100,700
9004 Schedule of Programs:
9005 Executive Branch Ethics Commission (5,700)
9006 Political Subdivisions Ethics Commission (10,000)
9007 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9008 Finance reflect all closing nonlapsing appropriation balances from Department of
9009 Administrative Services - Finance - Mandated - Ethics Commissions as fiscal year 2022
9010 beginning nonlapsing appropriation balances in Department of Government Operations -
9011 Finance - Mandated - Ethics Commissions.
9012 ITEM 14
9013 To Department of Government Operations - Finance - Mandated - Ethics Commissions
9014 From General Fund 17,300
9015 From Beginning Nonlapsing Balances 99,100
9016 From Closing Nonlapsing Balances (100,700)
9017 Schedule of Programs:

9018 Executive Branch Ethics Commission 5,700
9019 Political Subdivisions Ethics Commission 10,000
9020 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9021 Finance reflect all closing nonlapsing appropriation balances from Department of
9022 Administrative Services - Finance - Mandated - Ethics Commissions as fiscal year 2022
9023 beginning nonlapsing appropriation balances in Department of Government Operations -
9024 Finance - Mandated - Ethics Commissions.
9025 ITEM 15
9026 To Department of Administrative Services - Finance Administration
9027 From General Fund (7,047,100)
9028 From General Fund, One-time (21,900)
9029 From Transportation Fund (450,000)
9030 From Dedicated Credits Revenue (1,844,500)
9031 From Dedicated Credits Revenue, One-time (7,300)
9032 From Gen. Fund Rest. - Internal Service Fund Overhead (1,337,600)
9033 From Gen. Fund Rest. - Internal Service Fund Overhead, One-time (3,000)
9034 From Qualified Patient Enterprise Fund (2,500)
9035 From Beginning Nonlapsing Balances (835,800)
9036 From Closing Nonlapsing Balances 200,500
9037 Schedule of Programs:
9038 Finance Director's Office (550,900)
9039 Financial Information Systems (4,336,300)
9040 Financial Reporting (2,039,100)
9041 Payables/Disbursing (2,095,900)
9042 Payroll (2,027,600)
9043 Technical Services (299,400)
9044 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9045 Finance reflect all closing nonlapsing appropriation balances from Department of

9046 Administrative Services - Finance Administration as fiscal year 2022 beginning nonlapsing
9047 appropriation balances in Department of Government Operations - Finance Administration.
9048 ITEM 16
9049 To Department of Government Operations - Finance Administration
9050 From General Fund 7,047,100
9051 From General Fund, One-time 21,900
9052 From Transportation Fund 450,000
9053 From Dedicated Credits Revenue 1,844,500
9054 From Dedicated Credits Revenue, One-time 7,300
9055 From Gen. Fund Rest. - Internal Service Fund Overhead 1,337,600
9056 From Gen. Fund Rest. - Internal Service Fund Overhead, One-time 3,000
9057 From Qualified Patient Enterprise Fund 2,500
9058 From Beginning Nonlapsing Balances 835,800
9059 From Closing Nonlapsing Balances (200,500)
9060 Schedule of Programs:
9061 Finance Director's Office 550,900
9062 Financial Information Systems 4,336,300
9063 Financial Reporting 2,039,100
9064 Payables/Disbursing 2,095,900
9065 Payroll 2,027,600
9066 Technical Services 299,400
9067 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9068 Finance reflect all closing nonlapsing appropriation balances from Department of
9069 Administrative Services - Finance Administration as fiscal year 2022 beginning nonlapsing
9070 appropriation balances in Department of Government Operations - Finance Administration.
9071 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9072 Government Operations report performance measures for the Finance Administration line item,
9073 whose mission is "to serve Utah citizens and state agencies with fiscal leadership and quality

9074 financial systems, processes, and information." The department shall report to the Office of the
9075 Legislative Fiscal Analyst and to the Governor's Office of Management and Budget before
9076 October 1, 2021 the final status of performance measures for FY 2021 and the current status of
9077 the following performance measure for FY 2022: close the fiscal year within 60 days of the end
9078 of the fiscal year (baseline: 101 days after June 30; target: 60 days after June 30).
9079 ITEM 17
9080 To Department of Administrative Services - Inspector General of Medicaid Services
9081 From General Fund (1,261,500)
9082 From General Fund, One-time (4,300)
9083 From Federal Funds (8,000)
9084 From Medicaid Expansion Fund (36,700)
9085 From Medicaid Expansion Fund, One-time (100)
9086 From Revenue Transfers (2,499,000)
9087 From Revenue Transfers, One-time (8,500)
9088 From Beginning Nonlapsing Balances (155,200)
9089 From Closing Nonlapsing Balances 155,200
9090 Schedule of Programs:
9091 Inspector General of Medicaid Services (3,818,100)
9092 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9093 Finance reflect all closing nonlapsing appropriation balances from Department of
9094 Administrative Services - Inspector General of Medicaid Services as fiscal year 2022 beginning
9095 nonlapsing appropriation balances in Department of Government Operations - Inspector
9096 General of Medicaid Services.
9097 ITEM 18
9098 To Department of Government Operations - Inspector General of Medicaid Services
9099 From General Fund 1,261,500
9100 From General Fund, One-time 4,300
9101 From Federal Funds 8,000

9102 From Medicaid Expansion Fund 36,700
9103 From Medicaid Expansion Fund, One-time 100
9104 From Revenue Transfers 2,499,000
9105 From Revenue Transfers, One-time 8,500
9106 From Beginning Nonlapsing Balances 155,200
9107 From Closing Nonlapsing Balances (155,200)
9108 Schedule of Programs:
9109 Inspector General of Medicaid Services 3,818,100
9110 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9111 Finance reflect all closing nonlapsing appropriation balances from Department of
9112 Administrative Services - Inspector General of Medicaid Services as fiscal year 2022 beginning
9113 nonlapsing appropriation balances in Department of Government Operations - Inspector
9114 General of Medicaid Services.
9115 In accordance with UCA 63J-1-201, the Legislature intends that the Office of Inspector
9116 General of Medicaid Services, whose goal is to "eliminate fraud, waste, and abuse within the
9117 Medicaid program" report its performance measures to the Office of the Legislative Fiscal
9118 Analyst and to the Governor's Office of Management and Budget before October 1, 2021 the
9119 final status of performance measures for FY 2021 and the current status of the following
9120 performance measures for FY 2022: 1) cost avoidance projected over one year and three years;
9121 2) Medicaid dollars recovered through cash collections, directed re-bills, and credit
9122 adjustments; 3) the number of credible allegations of provider and/or recipient fraud received,
9123 initial investigations conducted, and referred to an outside entity (e.g. Medicaid Fraud Control
9124 Unit, Department of Workforce Services, local law enforcement, etc.); 4) the number of fraud,
9125 waste, and abuse cases identified and evaluated; and 5) the number of recommendations for
9126 improvement made to the Department of Health.
9127 The Legislature intends that the Inspector General of Medicaid Services retain up to an
9128 additional $60,000 of the State's share of Medicaid collections during FY 2022 to pay the
9129 Office of the Attorney General for the State costs of the one attorney FTE that the Office of the

9130 Inspector General is using.
9131 ITEM 19
9132 To Department of Administrative Services - Judicial Conduct Commission
9133 From General Fund (281,600)
9134 From General Fund, One-time (700)
9135 From Beginning Nonlapsing Balances (5,100)
9136 From Closing Nonlapsing Balances 9,800
9137 Schedule of Programs:
9138 Judicial Conduct Commission (277,600)
9139 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9140 Finance reflect all closing nonlapsing appropriation balances from Department of
9141 Administrative Services - Judicial Conduct Commission as fiscal year 2022 beginning
9142 nonlapsing appropriation balances in Department of Government Operations - Judicial Conduct
9143 Commission.
9144 ITEM 20
9145 To Department of Government Operations - Judicial Conduct Commission
9146 From General Fund 281,600
9147 From General Fund, One-time 700
9148 From Beginning Nonlapsing Balances 5,100
9149 From Closing Nonlapsing Balances (9,800)
9150 Schedule of Programs:
9151 Judicial Conduct Commission 277,600
9152 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9153 Finance reflect all closing nonlapsing appropriation balances from Department of
9154 Administrative Services - Judicial Conduct Commission as fiscal year 2022 beginning
9155 nonlapsing appropriation balances in Department of Government Operations - Judicial Conduct
9156 Commission.
9157 ITEM 21

9158 To Department of Administrative Services - Post Conviction Indigent Defense
9159 From General Fund (33,900)
9160 From Beginning Nonlapsing Balances (136,500)
9161 From Closing Nonlapsing Balances 136,500
9162 Schedule of Programs:
9163 Post Conviction Indigent Defense Fund (33,900)
9164 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9165 Finance reflect all closing nonlapsing appropriation balances from Department of
9166 Administrative Services - Post Conviction Indigent Defense as fiscal year 2022 beginning
9167 nonlapsing appropriation balances in Department of Government Operations - Post Conviction
9168 Indigent Defense.
9169 ITEM 22
9170 To Department of Government Operations - Post Conviction Indigent Defense
9171 From General Fund 33,900
9172 From Beginning Nonlapsing Balances 136,500
9173 From Closing Nonlapsing Balances (136,500)
9174 Schedule of Programs:
9175 Post Conviction Indigent Defense Fund 33,900
9176 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9177 Finance reflect all closing nonlapsing appropriation balances from Department of
9178 Administrative Services - Post Conviction Indigent Defense as fiscal year 2022 beginning
9179 nonlapsing appropriation balances in Department of Government Operations - Post Conviction
9180 Indigent Defense.
9181 ITEM 23
9182 To Department of Administrative Services - Purchasing
9183 From General Fund (860,800)
9184 From General Fund, One-time (4,500)
9185 Schedule of Programs:

9186 Purchasing and General Services (865,300)
9187 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9188 Finance reflect all closing nonlapsing appropriation balances from Department of
9189 Administrative Services - Purchasing as fiscal year 2022 beginning nonlapsing appropriation
9190 balances in Department of Government Operations - Purchasing.
9191 ITEM 24
9192 To Department of Government Operations - Purchasing
9193 From General Fund 860,800
9194 From General Fund, One-time 4,500
9195 Schedule of Programs:
9196 Purchasing and General Services 865,300
9197 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9198 Finance reflect all closing nonlapsing appropriation balances from Department of
9199 Administrative Services - Purchasing as fiscal year 2022 beginning nonlapsing appropriation
9200 balances in Department of Government Operations - Purchasing.
9201 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9202 Government Operations report performance measures for the Purchasing and General Services
9203 line item, whose purpose is to ensure that the state agencies adhere to the requirement of the
9204 Utah Procurement Code when conducting procurements. The department shall report to the
9205 Office of the Legislative Fiscal Analyst and to the Governor's Office of Management and
9206 Budget before October 1, 2021 the final status of performance measures for FY 2021 and the
9207 current status of the following performance measures for FY 2022: 1) increase the average
9208 discount on State of Utah Best Value Cooperative Contracts (baseline: 32%, target: 40%); 2)
9209 increase the number of State of Utah Best Value Cooperative Contracts for public entities to
9210 use (baseline: 950, target: 1,000); and 3) increase the amount of total spend on State of Utah
9211 Best Value Cooperative Contracts (baseline: $550 million, target: $600 million).
9212 ITEM 25
9213 To Department of Administrative Services - State Archives

9214 From General Fund (3,322,200)
9215 From General Fund, One-time (11,500)
9216 From Federal Funds (44,100)
9217 From Federal Funds, One-time (500)
9218 From Dedicated Credits Revenue (67,600)
9219 From Dedicated Credits Revenue, One-time (100)
9220 From Beginning Nonlapsing Balances (58,300)
9221 From Closing Nonlapsing Balances 92,800
9222 Schedule of Programs:
9223 Archives Administration (1,735,500)
9224 Open Records (100)
9225 Patron Services (702,200)
9226 Preservation Services (262,300)
9227 Records Analysis (711,500)
9228 Records Services 100
9229 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9230 Finance reflect all closing nonlapsing appropriation balances from Department of
9231 Administrative Services - State Archives as fiscal year 2022 beginning nonlapsing
9232 appropriation balances in Department of Government Operations - State Archives.
9233 ITEM 26
9234 To Department of Government Operations - State Archives
9235 From General Fund 3,322,200
9236 From General Fund, One-time 11,500
9237 From Federal Funds 44,100
9238 From Federal Funds, One-time 500
9239 From Dedicated Credits Revenue 67,600
9240 From Dedicated Credits Revenue, One-time 100
9241 From Beginning Nonlapsing Balances 58,300

9242 From Closing Nonlapsing Balances (92,800)
9243 Schedule of Programs:
9244 Archives Administration 1,735,500
9245 Open Records 100
9246 Patron Services 702,200
9247 Preservation Services 262,300
9248 Records Analysis 711,500
9249 Records Services (100)
9250 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9251 Finance reflect all closing nonlapsing appropriation balances from Department of
9252 Administrative Services - State Archives as fiscal year 2022 beginning nonlapsing
9253 appropriation balances in Department of Government Operations - State Archives.
9254 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9255 Government Operations report performance measures for the State Archives line item, whose
9256 mission is "to assist Utah government agencies in the efficient management of their records, to
9257 preserve those records of enduring value, and to provide quality access to public information."
9258 The department shall report to the Office of the Legislative Fiscal Analyst and to the
9259 Governor's Office of Management and Budget before October 1, 2021 the final status of
9260 performance measures for FY 2021 and the current status of the following performance
9261 measures for FY 2022: 1) percentage of reformatted records that meet or exceed estimated
9262 completion date (target: 80%); 2) percentage of reformatted records projects completed that
9263 were error-free in quality control checks (target: 90%); and 3) government employees receiving
9264 training and certified as a records officer (target: at least a 10% increase).
9265 ITEM 27
9266 To Department of Administrative Services - Finance Mandated - Mineral Lease Special
9267 Service Districts
9268 From General Fund Restricted - Mineral Lease (27,797,500)
9269 Schedule of Programs:

9270 Mineral Lease Payments (24,162,700)
9271 Mineral Lease Payments in Lieu (3,634,800)
9272 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9273 Finance reflect all closing nonlapsing appropriation balances from Department of
9274 Administrative Services - Finance Mandated - Mineral Lease Special Service Districts as fiscal
9275 year 2022 beginning nonlapsing appropriation balances in Department of Government
9276 Operations - Finance Mandated - Mineral Lease Special Service Districts.
9277 ITEM 28
9278 To Department of Government Operations - Finance Mandated - Mineral Lease Special
9279 Service Districts
9280 From General Fund Restricted - Mineral Lease 27,797,500
9281 Schedule of Programs:
9282 Mineral Lease Payments 24,162,700
9283 Mineral Lease Payments in Lieu 3,634,800
9284 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9285 Finance reflect all closing nonlapsing appropriation balances from Department of
9286 Administrative Services - Finance Mandated - Mineral Lease Special Service Districts as fiscal
9287 year 2022 beginning nonlapsing appropriation balances in Department of Government
9288 Operations - Finance Mandated - Mineral Lease Special Service Districts.
9289 ITEM 29
9290 To Department of Technology Services - Chief Information Officer
9291 From General Fund (668,200)
9292 From General Fund, One-time (700)
9293 Schedule of Programs:
9294 Chief Information Officer (668,900)
9295 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9296 Finance reflect all closing nonlapsing appropriation balances from Department of Technology
9297 Services - Chief Information Officer as fiscal year 2022 beginning nonlapsing appropriation

9298 balances in Department of Government Operations - Chief Information Officer.
9299 ITEM 30
9300 To Department of Government Operations - Chief Information Officer
9301 From General Fund 668,200
9302 From General Fund, One-time 700
9303 Schedule of Programs:
9304 Chief Information Officer 668,900
9305 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9306 Finance reflect all closing nonlapsing appropriation balances from Department of Technology
9307 Services - Chief Information Officer as fiscal year 2022 beginning nonlapsing appropriation
9308 balances in Department of Government Operations - Chief Information Officer.
9309 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9310 Government Operations report performance measures for the Chief Information Officer line
9311 item. The department shall report to the Office of the Legislative Fiscal Analyst and to the
9312 Governor's Office of Management and Budget before October 1, 2021 the final status of
9313 performance measures for FY 2021 appropriations bills and the current status of the following
9314 performance measures for FY 2022: 1) data security - ongoing systematic prioritization of
9315 high-risk areas across the state (target: score below 5,000); 2) application development -
9316 satisfaction scores on application development projects from agencies (target: average at least
9317 83%); and 3) procurement and deployment - ensure state employees receive computers in a
9318 timely manner (target: at least 75%).
9319 ITEM 31
9320 To Department of Technology Services - Integrated Technology Division
9321 From General Fund (1,245,100)
9322 From General Fund, One-time (2,600)
9323 From Federal Funds (707,200)
9324 From Federal Funds, One-time (1,700)
9325 From Dedicated Credits Revenue (1,224,300)

9326 From Dedicated Credits Revenue, One-time (2,500)
9327 From Gen. Fund Rest. - Statewide Unified E-911 Emerg. Acct. (337,100)
9328 From Gen. Fund Rest. - Statewide Unified E-911 Emerg. Acct., One-time (700)
9329 Schedule of Programs:
9330 Automated Geographic Reference Center (3,521,200)
9331 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9332 Finance reflect all closing nonlapsing appropriation balances from Department of Technology
9333 Services - Integrated Technology Division as fiscal year 2022 beginning nonlapsing
9334 appropriation balances in Department of Government Operations - Integrated Technology
9335 Division.
9336 ITEM 32
9337 To Department of Government Operations - Integrated Technology Division
9338 From General Fund 1,245,100
9339 From General Fund, One-time 2,600
9340 From Federal Funds 707,200
9341 From Federal Funds, One-time 1,700
9342 From Dedicated Credits Revenue 1,224,300
9343 From Dedicated Credits Revenue, One-time 2,500
9344 From Gen. Fund Rest. - Statewide Unified E-911 Emerg. Acct. 337,100
9345 From Gen. Fund Rest. - Statewide Unified E-911 Emerg. Acct., One-time 700
9346 Schedule of Programs:
9347 Automated Geographic Reference Center 3,521,200
9348 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9349 Finance reflect all closing nonlapsing appropriation balances from Department of Technology
9350 Services - Integrated Technology Division as fiscal year 2022 beginning nonlapsing
9351 appropriation balances in Department of Government Operations - Integrated Technology
9352 Division.
9353 In accordance with UCA 63J-1-201, the Legislature intends that the Department of

9354 Government Operations report performance measures for the Integrated Technology Division
9355 line item. The department shall report to the Office of the Legislative Fiscal Analyst and to the
9356 Governor's Office of Management and Budget before October 1, 2021 the final status of
9357 performance measures for FY 2021 and the current status of the following performance
9358 measures for FY 2022: 1) uptime for the Automated Geographic Reference Center's (AGRC)
9359 portfolio of streaming geographic data web services and State Geographic Information
9360 Database connection services (target: at least 99.5%); 2) road centerline and addressing map
9361 data layer required for Next Generation 911 services is published monthly to the State
9362 Geographic Information Database (target: at least 120 county-sourced updates including 50
9363 updates from Utah's class I and II counties); and 3) uptime for AGRC's TURN GPS real-time,
9364 high precision geo-positioning service that provides differential correction services to paying
9365 and partner subscribers in the surveying, mapping, construction, and agricultural industries
9366 (target: at least 99.5%).
9367 Subsection 209(b). **Expendable Funds and Accounts.**
9368 The Legislature has reviewed the following expendable funds. The Legislature
9369 authorizes the State Division of Finance to transfer amounts between funds and accounts as
9370 indicated. Outlays and expenditures from the funds or accounts to which the money is
9371 transferred may be made without further legislative action, in accordance with statutory
9372 provisions relating to the funds or accounts.
9373 ITEM 33
9374 To Department of Administrative Services - State Archives Fund
9375 From Beginning Fund Balance (2,600)
9376 From Closing Fund Balance 2,600
9377 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9378 Finance reflect all closing fund balances from Department of Administrative Services - State
9379 Archives Fund as fiscal year 2022 beginning fund balances in Department of Government
9380 Operations - State Archives Fund.
9381 ITEM 34

9382 To Department of Government Operations - State Archives Fund
9383 From Beginning Fund Balance 2,600
9384 From Closing Fund Balance (2,600)
9385 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9386 Finance reflect all closing fund balances from Department of Administrative Services - State
9387 Archives Fund as fiscal year 2022 beginning fund balances in Department of Government
9388 Operations - State Archives Fund.
9389 ITEM 35
9390 To Department of Administrative Services - State Debt Collection Fund
9391 From Dedicated Credits Revenue (3,623,300)
9392 From Dedicated Credits Revenue, One-time (7,100)
9393 From Other Financing Sources (200)
9394 From Beginning Fund Balance (792,400)
9395 From Closing Fund Balance 909,200
9396 Schedule of Programs:
9397 State Debt Collection Fund (3,513,800)
9398 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9399 Finance reflect all closing fund balances from Department of Administrative Services - State
9400 Debt Collection Fund as fiscal year 2022 beginning fund balances in Department of
9401 Government Operations - State Debt Collection Fund.
9402 ITEM 36
9403 To Department of Government Operations - State Debt Collection Fund
9404 From Dedicated Credits Revenue 3,623,300
9405 From Dedicated Credits Revenue, One-time 7,100
9406 From Other Financing Sources 200
9407 From Beginning Fund Balance 792,400
9408 From Closing Fund Balance (909,200)
9409 Schedule of Programs:

9410 State Debt Collection Fund 3,513,800

9411 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9412 Finance reflect all closing fund balances from Department of Administrative Services - State
9413 Debt Collection Fund as fiscal year 2022 beginning fund balances in Department of
9414 Government Operations - State Debt Collection Fund.

9415 ITEM 37

9416 To Department of Administrative Services - Wire Estate Memorial Fund
9417 From Beginning Fund Balance (168,200)
9418 From Closing Fund Balance 168,200

9419 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9420 Finance reflect all closing fund balances from Department of Administrative Services - Wire
9421 Estate Memorial Fund as fiscal year 2022 beginning fund balances in Department of
9422 Government Operations - Wire Estate Memorial Fund.

9423 ITEM 38

9424 To Department of Government Operations - Wire Estate Memorial Fund
9425 From Beginning Fund Balance 168,200
9426 From Closing Fund Balance (168,200)

9427 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9428 Finance reflect all closing fund balances from Department of Administrative Services - Wire
9429 Estate Memorial Fund as fiscal year 2022 beginning fund balances in Department of
9430 Government Operations - Wire Estate Memorial Fund.

9431 Subsection 209(c). **Business-like Activities.**

9432 The Legislature has reviewed the following proprietary funds. Under the terms and
9433 conditions of Utah Code 63J-1-410, for any included Internal Service Fund, the Legislature
9434 approves budgets, full-time permanent positions, and capital acquisition amounts as indicated,
9435 and appropriates to the funds, as indicated, estimated revenue from rates, fees, and other
9436 charges. The Legislature authorizes the State Division of Finance to transfer amounts between
9437 funds and accounts as indicated.

9438 ITEM 39
9439 To Department of Human Resource Management - Human Resources Internal
9440 Service Fund
9441 From Dedicated Credits Revenue (14,494,300)
9442 From Beginning Fund Balance (1,780,800)
9443 From Closing Fund Balance 919,800
9444 Schedule of Programs:
9445 Administration (1,599,300)
9446 Information Technology (1,079,200)
9447 ISF - Core HR Services (246,900)
9448 ISF - Field Services (9,689,800)
9449 ISF - Payroll Field Services (674,900)
9450 Policy (2,065,200)
9451 Budgeted FTE (122.0)
9452 Authorized Capital Outlay (1,500,000)
9453 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9454 Finance reflect all closing fund balances from Department of Human Resource Management -
9455 Human Resources Internal Service Fund as fiscal year 2022 beginning fund balances in
9456 Department of Government Operations - Human Resources Internal Service Fund.
9457 ITEM 40
9458 To Department of Government Operations - Human Resources Internal Service Fund
9459 From Dedicated Credits Revenue 14,494,300
9460 From Beginning Fund Balance 1,780,800
9461 From Closing Fund Balance (919,800)
9462 Schedule of Programs:
9463 Administration 1,599,300
9464 Information Technology 1,079,200
9465 ISF - Core HR Services 246,900

9466 ISF - Field Services 9,689,800
9467 ISF - Payroll Field Services 674,900
9468 Policy 2,065,200
9469 Budgeted FTE 122.0
9470 Authorized Capital Outlay 1,500,000
9471 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9472 Finance reflect all closing fund balances from Department of Human Resource Management -
9473 Human Resources Internal Service Fund as fiscal year 2022 beginning fund balances in
9474 Department of Government Operations - Human Resources Internal Service Fund.
9475 ITEM 41
9476 To Department of Administrative Services Internal Service Funds - Division of
9477 Facilities Construction and Management - Facilities Management
9478 From Dedicated Credits Revenue (37,041,000)
9479 From Beginning Fund Balance (3,825,800)
9480 From Closing Fund Balance 347,200
9481 Schedule of Programs:
9482 ISF - Facilities Management (40,519,600)
9483 Budgeted FTE (162.0)
9484 Authorized Capital Outlay (396,600)
9485 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9486 Finance reflect all closing fund balances from Department of Administrative Services Internal
9487 Service Funds - Division of Facilities Construction and Management - Facilities Management
9488 as fiscal year 2022 beginning fund balances in Department of Government Operations Internal
9489 Service Funds - Division of Facilities Construction and Management - Facilities Management.
9490 ITEM 42
9491 To Department of Government Operations Internal Service Funds - Division of
9492 Facilities Construction and Management - Facilities Management
9493 From Dedicated Credits Revenue 37,041,000

9494 From Beginning Fund Balance 3,825,800
9495 From Closing Fund Balance (347,200)
9496 Schedule of Programs:
9497 ISF - Facilities Management 40,519,600
9498 Budgeted FTE 162.0
9499 Authorized Capital Outlay 396,600
9500 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9501 Finance reflect all closing fund balances from Department of Administrative Services Internal
9502 Service Funds - Division of Facilities Construction and Management - Facilities Management
9503 as fiscal year 2022 beginning fund balances in Department of Government Operations Internal
9504 Service Funds - Division of Facilities Construction and Management - Facilities Management.
9505 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9506 Government Operations report performance measures for the ISF - Facilities Management line
9507 item, whose mission is "to provide professional building maintenance services to State
9508 facilities, agency customers, and the general public." The department shall report to the Office
9509 of the Legislative Fiscal Analyst and to the Governor's Office of Management and Budget
9510 before October 1, 2021 the final status of performance measures for FY 2021 and the current
9511 status of the following performance measure for FY 2022: average maintenance cost per square
9512 foot compared to the private sector (target: at least 18% less than the private market).
9513 ITEM 43
9514 To Department of Administrative Services Internal Service Funds - Division of Finance
9515 From Dedicated Credits Revenue (621,300)
9516 From Beginning Fund Balance (34,100)
9517 From Closing Fund Balance 42,900
9518 Schedule of Programs:
9519 ISF - Purchasing Card (612,500)
9520 Budgeted FTE (2.5)
9521 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

9522 Finance reflect all closing fund balances from Department of Administrative Services Internal
9523 Service Funds - Division of Finance as fiscal year 2022 beginning fund balances in Department
9524 of Government Operations Internal Service Funds - Division of Finance.
9525 ITEM 44
9526 To Department of Government Operations Internal Service Funds - Division of Finance
9527 From Dedicated Credits Revenue 621,300
9528 From Beginning Fund Balance 34,100
9529 From Closing Fund Balance (42,900)
9530 Schedule of Programs:
9531 ISF - Purchasing Card 612,500
9532 Budgeted FTE 2.5
9533 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9534 Finance reflect all closing fund balances from Department of Administrative Services Internal
9535 Service Funds - Division of Finance as fiscal year 2022 beginning fund balances in Department
9536 of Government Operations Internal Service Funds - Division of Finance.
9537 ITEM 45
9538 To Department of Administrative Services Internal Service Funds - Division of
9539 Fleet Operations
9540 From Dedicated Credits Revenue (60,263,700)
9541 From Beginning Fund Balance (50,454,400)
9542 From Closing Fund Balance 49,713,900
9543 Schedule of Programs:
9544 ISF - Fuel Network (27,146,200)
9545 ISF - Motor Pool (32,688,100)
9546 ISF - Travel Office (496,200)
9547 Transactions Group (673,700)
9548 Budgeted FTE (41.0)
9549 Authorized Capital Outlay (21,000,000)

9550 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9551 Finance reflect all closing fund balances from Department of Administrative Services Internal
9552 Service Funds - Division of Fleet Operations as fiscal year 2022 beginning fund balances in
9553 Department of Government Operations Internal Service Funds - Division of Fleet Operations.
9554 ITEM 46
9555 To Department of Government Operations Internal Service Funds - Division of
9556 Fleet Operations
9557 From Dedicated Credits Revenue 60,263,700
9558 From Beginning Fund Balance 50,454,400
9559 From Closing Fund Balance (49,713,900)
9560 Schedule of Programs:
9561 ISF - Fuel Network 27,146,200
9562 ISF - Motor Pool 32,688,100
9563 ISF - Travel Office 496,200
9564 Transactions Group 673,700
9565 Budgeted FTE 41.0
9566 Authorized Capital Outlay 21,000,000
9567 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9568 Finance reflect all closing fund balances from Department of Administrative Services Internal
9569 Service Funds - Division of Fleet Operations as fiscal year 2022 beginning fund balances in
9570 Department of Government Operations Internal Service Funds - Division of Fleet Operations.
9571 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9572 Government Operations report performance measures for the Fleet Operations line item, whose
9573 mission is "emphasizing customer service, provide safe, efficient, dependable, and responsible
9574 transportation options." The department shall report to the Office of the Legislative Fiscal
9575 Analyst and to the Governor's Office of Management and Budget before October 1, 2021 the
9576 final status of performance measures for FY 2021 and the current status of the following
9577 performance measures for FY 2022: 1) improve EPA emission standard certification level for

9578 the State's light duty fleet in non-attainment areas (target: reduce average fleet emission by 1
9579 mg/mile annually); 2) maintain the financial solvency of the Division of Fleet Operations
9580 (target: 30% or less of the allowable debt); and 3) audit agency customers' mobility options and
9581 develop improvement plans for audited agencies (target: at least 4 annually).
9582 ITEM 47
9583 To Department of Administrative Services Internal Service Funds - Division of
9584 Purchasing and General Services

9585 From Dedicated Credits Revenue		(20,233,000)
9586 From Other Financing Sources		(27,500)
9587 From Beginning Fund Balance		(9,500,600)
9588 From Closing Fund Balance		9,499,200
9589 Schedule of Programs:		
9590 ISF - Central Mailing	(12,750,000)	
9591 ISF - Cooperative Contracting	(4,242,000)	
9592 ISF - Federal Surplus Property	(66,400)	
9593 ISF - Print Services	(2,543,500)	
9594 ISF - State Surplus Property	(660,000)	
9595 Budgeted FTE	(97.3)	
9596 Authorized Capital Outlay	(4,070,000)	

9597 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9598 Finance reflect all closing fund balances from Department of Administrative Services Internal
9599 Service Funds - Division of Purchasing and General Services as fiscal year 2022 beginning
9600 fund balances in Department of Government Operations Internal Service Funds - Division of
9601 Purchasing and General Services.
9602 ITEM 48
9603 To Department of Government Operations Internal Service Funds - Division of
9604 Purchasing and General Services

9605 From Dedicated Credits Revenue		20,233,000

9606 From Other Financing Sources 27,500
9607 From Beginning Fund Balance 9,500,600
9608 From Closing Fund Balance (9,499,200)
9609 Schedule of Programs:
9610 ISF - Central Mailing 12,750,000
9611 ISF - Cooperative Contracting 4,242,000
9612 ISF - Federal Surplus Property 66,400
9613 ISF - Print Services 2,543,500
9614 ISF - State Surplus Property 660,000
9615 Budgeted FTE 97.3
9616 Authorized Capital Outlay 4,070,000
9617 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9618 Finance reflect all closing fund balances from Department of Administrative Services Internal
9619 Service Funds - Division of Purchasing and General Services as fiscal year 2022 beginning
9620 fund balances in Department of Government Operations Internal Service Funds - Division of
9621 Purchasing and General Services.
9622 ITEM 49
9623 To Department of Administrative Services Internal Service Funds - Risk Management
9624 From Dedicated Credits Revenue (610,700)
9625 From Premiums (54,670,700)
9626 From Interest Income (1,181,700)
9627 From Other Financing Sources (415,700)
9628 From Beginning Fund Balance (5,223,700)
9629 From Closing Fund Balance 5,513,700
9630 Schedule of Programs:
9631 ISF - Risk Management Administration (1,311,000)
9632 ISF - Workers' Compensation (7,842,300)
9633 Risk Management - Auto (2,496,600)

9634 Risk Management - Liability (26,244,400)
9635 Risk Management - Property (18,694,500)
9636 Budgeted FTE (32.0)
9637 Authorized Capital Outlay (500,000)
9638 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9639 Finance reflect all closing fund balances from Department of Administrative Services Internal
9640 Service Funds - Risk Management as fiscal year 2022 beginning fund balances in Department
9641 of Government Operations Internal Service Funds - Risk Management.
9642 ITEM 50
9643 To Department of Government Operations Internal Service Funds - Risk Management
9644 From Dedicated Credits Revenue 610,700
9645 From Premiums 54,670,700
9646 From Interest Income 1,181,700
9647 From Other Financing Sources 415,700
9648 From Beginning Fund Balance 5,223,700
9649 From Closing Fund Balance (5,513,700)
9650 Schedule of Programs:
9651 ISF - Risk Management Administration 1,311,000
9652 ISF - Workers' Compensation 7,842,300
9653 Risk Management - Auto 2,496,600
9654 Risk Management - Liability 26,244,400
9655 Risk Management - Property 18,694,500
9656 Budgeted FTE 32.0
9657 Authorized Capital Outlay 500,000
9658 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9659 Finance reflect all closing fund balances from Department of Administrative Services Internal
9660 Service Funds - Risk Management as fiscal year 2022 beginning fund balances in Department
9661 of Government Operations Internal Service Funds - Risk Management.

9662 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9663 Government Operations report performance measures for the Risk Management line item,
9664 whose mission is "to insure, restore and protect State resources through innovation and
9665 collaboration." The department shall report to the Office of the Legislative Fiscal Analyst and
9666 to the Governor's Office of Management and Budget before October 1, 2021 the final status of
9667 performance measures for FY 2021 and the current status of the following performance
9668 measures for FY 2022: 1) follow up on life safety findings on onsite inspections (target:
9669 100%); 2) annual independent claims management audit (target: at least 96%); and 3) ensure
9670 liability fund reserves are actuarially and economically sound (baseline: 90.57%; target: 100%
9671 of the actuary's recommendation).
9672 ITEM 51
9673 To Department of Technology Services Internal Service Funds - Enterprise Technology
9674 Division
9675 From Dedicated Credits Revenue (127,672,400)
9676 From Beginning Fund Balance (26,960,600)
9677 From Closing Fund Balance 26,636,200
9678 Schedule of Programs:
9679 ISF - Enterprise Technology Division (127,996,800)
9680 Budgeted FTE (730.6)
9681 Authorized Capital Outlay (6,000,000)
9682 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9683 Finance reflect all closing fund balances from Department of Technology Services Internal
9684 Service Funds - Enterprise Technology Division as fiscal year 2022 beginning fund balances in
9685 Department of Government Operations Internal Service Funds - Enterprise Technology
9686 Division.
9687 ITEM 52
9688 To Department of Government Operations Internal Service Funds - Enterprise
9689 Technology Division

9690 From Dedicated Credits Revenue 127,672,400
9691 From Beginning Fund Balance 26,960,600
9692 From Closing Fund Balance (26,636,200)
9693 Schedule of Programs:
9694 ISF - Enterprise Technology Division 127,996,800
9695 Budgeted FTE 730.6
9696 Authorized Capital Outlay 6,000,000
9697 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of
9698 Finance reflect all closing fund balances from Department of Technology Services Internal
9699 Service Funds - Enterprise Technology Division as fiscal year 2022 beginning fund balances in
9700 Department of Government Operations Internal Service Funds - Enterprise Technology
9701 Division.
9702 In accordance with UCA 63J-1-201, the Legislature intends that the Department of
9703 Government Operations report performance measures for the Enterprise Technology Division
9704 line item. The department shall report to the Office of the Legislative Fiscal Analyst and to the
9705 Governor's Office of Management and Budget before October 1, 2021 the final status of
9706 performance measures for FY 2021 and the current status of the following performance
9707 measures for FY 2022: 1) customer satisfaction - measure customers' experiences and
9708 satisfaction with IT services (target: an average of at least 4.5 out of 5); 2) application
9709 availability - monitor DTS performance and availability of key agency business
9710 applications/systems (target: at least 99%); and 3) competitive rates - ensure all DTS rates are
9711 market competitive or better (target: 100%).
9712 Subsection 209(d). **Intent language.**
9713 Notwithstanding the effective date of this bill, the Legislature intends that the affected
9714 agencies have until July 1, 2022, to update the financial and information systems necessary to
9715 come into full compliance with the provisions of this bill.
9716 Section 210. **Effective date.**
9717 This bill takes effect on July 1, 2021.

9718 Section 211. **Revisor instructions.**
9719 The Legislature intends that the Office of Legislative Research and General Counsel, in
9720 preparing the Utah Code database for publication, not enroll this bill if S.B. 182, Department of
9721 Government Operations - Cross Reference Changes, does not pass.
9722 Section 212. **Revisor instructions.**
9723 The Legislature intends that the Office of Legislative Research and General Counsel, in
9724 preparing the Utah Code database for publication, on July 1, 2021:
9725 (1) replace "Department of Administrative Services" with "Department of Government
9726 Operations" in any new language added to the Utah Code by legislation passed during the 2021
9727 General Session;
9728 (2) replace "Department of Technology Services" with "Division of Technology
9729 Services" in any new language added to the Utah Code by legislation passed during the 2021
9730 General Session; and
9731 (3) replace "Department of Human Resource Management" with "Division of Human
9732 Resource Management" in any new language added to the Utah Code by legislation passed
9733 during the 2021 General Session.
9734 Section 213. **Coordinating S.B. 181 with H.B. 27 -- Technical amendments.**
9735 If this S.B. 181 and H.B. 27, Public Information Website Modifications, both pass and
9736 become law, it is the intent of the Legislature that the Office of Legislative Research and
9737 General Counsel prepare the Utah Code database for publication by:
9738 (1) renumbering Section 63F-1-701 to 63A-16-601 instead of 63A-12-201;
9739 (2) changing all cross-references in H.B. 27 that refer to Section 63A-12-201 to instead
9740 refer to Section 63A-16-601;
9741 (3) renumbering Section 63F-1-702 to 63A-16-602 instead of 63A-12-202; and
9742 (4) changing all cross-references in H.B. 27 that refer to Section 63A-12-202 to instead
9743 refer to Section 63A-16-602.