

HB0228S01 compared with HB0228

~~text~~ shows text that was in HB0228 but was deleted in HB0228S01.

text shows text that was not in HB0228 but was inserted into HB0228S01.

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Representative Norman K Thurston proposes the following substitute bill:

PUBLIC EMPLOYEE LEAVE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: ~~_____~~ Stephanie Pitcher

Cosponsors:

Joel K. Briscoe

Tyler Clancy

Matthew H. Gwynn

Sahara Hayes

Dan N. Johnson

Marsha Judkins

Anthony E. Loubet

Ashlee Matthews

Carol S. Moss

Andrew Stoddard

Douglas R. Welton

Mark A. Wheatley

LONG TITLE

General Description:

This bill requires certain government employers to, at a minimum, provide unpaid leave to an employee who is a state legislator on an authorized legislative day.

Highlighted Provisions:

This bill:

- ▶ defines terms; ~~and~~

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- ▶ requires certain government employers to, at a minimum, provide unpaid leave to an employee who is a state legislator on an authorized legislative day~~(.)~~; and
- ▶ prohibits interference with, or retaliating against an employee for, taking the leave described in the preceding paragraph.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

- 10-3-1111, Utah Code Annotated 1953
- 11-13-104, Utah Code Annotated 1953
- 17-15-33, Utah Code Annotated 1953
- 53B-2-114, Utah Code Annotated 1953
- 53B-2a-119, Utah Code Annotated 1953
- 53G-11-208, Utah Code Annotated 1953
- 63A-17-513, Utah Code Annotated 1953

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

Section 1. Section **10-3-1111** is enacted to read:

10-3-1111. Municipality required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task

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force, or other entity is held, if:

(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:

(i) chair training;

(ii) an issue briefing;

(iii) legislative leadership instruction;

(iv) legislative process training;

(v) legislative rules training;

(vi) new legislator orientation; or

(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.

(c) "Legislator" means:

(i) a member of the Utah Senate;

(ii) a member of the Utah House of Representatives; or

(iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

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(2) A municipality that employs an individual who is a legislator:

(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual; ~~{ and }~~

(b) may not ~~{ terminate the individual's employment, or otherwise penalize or disadvantage the individual, for taking }~~ interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a) ~~{, }; and~~

(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a)

(3) The leave described in Subsection (2) is leave without pay unless the municipality and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 2. Section **11-13-104** is enacted to read:

11-13-104. Interlocal entity required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:

(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses

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Oversight Committee designates as an authorized legislative day for training or informational purposes, including:

- (i) chair training;
- (ii) an issue briefing;
- (iii) legislative leadership instruction;
- (iv) legislative process training;
- (v) legislative rules training;
- (vi) new legislator orientation; or
- (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the

legislator's official duties.

(c) "Legislator" means:

- (i) a member of the Utah Senate;
- (ii) a member of the Utah House of Representatives; or
- (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)

or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

- (i) dismiss the employee;
- (ii) reduce the employee's compensation;
- (iii) fail to increase the employee's compensation by an amount that the employee is

otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

(2) An interlocal entity that employs an individual who is a legislator:

(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual; ~~and~~

(b) may not ~~terminate the individual's employment, or otherwise penalize or disadvantage the individual, for taking~~ interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a) ~~;~~ and

(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a)

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(3) The leave described in Subsection (2) is leave without pay unless the interlocal entity and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 3. Section **17-15-33** is enacted to read:

17-15-33. County required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:

(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:

(i) chair training;

(ii) an issue briefing;

(iii) legislative leadership instruction;

(iv) legislative process training;

(v) legislative rules training;

(vi) new legislator orientation; or

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(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.

(c) "Legislator" means:

(i) a member of the Utah Senate;

(ii) a member of the Utah House of Representatives; or

(iii) an individual who has been elected as a member described in Subsection (1)(c)(i)

or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

(2) A county that employs an individual who is a legislator:

(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual; ~~and~~

(b) may not ~~terminate the individual's employment, or otherwise penalize or disadvantage the individual, for taking~~ interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a) ~~; and~~

(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a)

(3) The leave described in Subsection (2) is leave without pay unless the county and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 4. Section **53B-2-114** is enacted to read:

53B-2-114. Institution of higher education required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

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(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:

(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:

(i) chair training;

(ii) an issue briefing;

(iii) legislative leadership instruction;

(iv) legislative process training;

(v) legislative rules training;

(vi) new legislator orientation; or

(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.

(c) "Legislator" means:

(i) a member of the Utah Senate;

(ii) a member of the Utah House of Representatives; or

(iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

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(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

(2) An institution of higher education that employs an individual who is a legislator:

(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual; ~~and~~

(b) may not ~~terminate the individual's employment, or otherwise penalize or disadvantage the individual, for taking~~ interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a) ~~; and~~

(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a)

(3) The leave described in Subsection (2) is leave without pay unless the institution of higher education and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 5. Section **53B-2a-119** is enacted to read:

53B-2a-119. Technical college required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:

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(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:

(i) chair training;

(ii) an issue briefing;

(iii) legislative leadership instruction;

(iv) legislative process training;

(v) legislative rules training;

(vi) new legislator orientation; or

(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.

(c) "Legislator" means:

(i) a member of the Utah Senate;

(ii) a member of the Utah House of Representatives; or

(iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

(2) A technical college that employs an individual who is a legislator:

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(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual; ~~and~~

(b) may not ~~terminate the individual's employment, or otherwise penalize or disadvantage the individual, for taking~~ interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and

(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a).

(3) The leave described in Subsection (2) is leave without pay unless the technical college and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 6. Section **53G-11-208** is enacted to read:

53G-11-208. Local education agency required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:

(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational

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purposes, including:

- (i) chair training;
- (ii) an issue briefing;
- (iii) legislative leadership instruction;
- (iv) legislative process training;
- (v) legislative rules training;
- (vi) new legislator orientation; or
- (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the

legislator's official duties.

(c) "Legislator" means:

- (i) a member of the Utah Senate;
- (ii) a member of the Utah House of Representatives; or
- (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)

or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

- (i) dismiss the employee;
- (ii) reduce the employee's compensation;
- (iii) fail to increase the employee's compensation by an amount that the employee is
otherwise entitled to or was promised;
- (iv) fail to promote the employee if the employee would have otherwise been
promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

(2) A local education agency that employs an individual who is a legislator:

(a) shall grant leave to the individual on an authorized legislative day for the number of
hours requested by the individual; ~~and~~

(b) may not ~~terminate the individual's employment, or otherwise penalize or~~
~~disadvantage the individual, for taking~~ interfere with, or otherwise restrain the individual from,
using the leave described in Subsection (2)(a); and

(c) may not take retaliatory action against the individual for using the leave described
in Subsection (2)(a).

(3) The leave described in Subsection (2) is leave without pay unless the local

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education agency and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 7. Section **63A-17-513** is enacted to read:

63A-17-513. State employer required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

(i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;

(ii) a special session day;

(iii) a veto override session day;

(iv) an interim day designated by the Legislative Management Committee;

(v) an authorized legislative training day; or

(vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:

(A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;

(B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and

(C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

(b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:

(i) chair training;

(ii) an issue briefing;

(iii) legislative leadership instruction;

(iv) legislative process training;

(v) legislative rules training;

(vi) new legislator orientation; or

(vii) another meeting to brief, instruct, orient, or train a legislator in relation to the

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legislator's official duties.

(c) "Legislator" means:

(i) a member of the Utah Senate;

(ii) a member of the Utah House of Representatives; or

(iii) an individual who has been elected as a member described in Subsection (1)(c)(i)

or (ii), but has not yet been sworn in or begun the individual's term of office.

(d) "Retaliatory action" means to:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

(~~d~~)e) "State employer" means any employer in the state executive branch.

(2) A state employer who employs an individual who is a legislator:

(a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual; ~~and~~

(b) may not ~~terminate the individual's employment, or otherwise penalize or disadvantage the individual, for taking~~ interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and

(c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a).

(3) The leave described in Subsection (2) is leave without pay unless the state employer and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

Section 8. **Effective date.**

This bill takes effect on May 1, 2024.