

## HB0228S02 compared with HB0228S01

~~text~~ shows text that was in HB0228S01 but was deleted in HB0228S02.

text shows text that was not in HB0228S01 but was inserted into HB0228S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~Representative Norman K Thurston~~Senator Stephanie Pitcher 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:	Dan N. Johnson	Andrew Stoddard
Joel K. Briscoe	Marsha Judkins	Douglas R. Welton
Tyler Clancy	Anthony E. Loubet	Mark A. Wheatley
Matthew H. Gwynn	Ashlee Matthews	
Sahara Hayes	Carol S. Moss	

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#### **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:

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- ▶ defines terms;
- ▶ unless the requirement would impose an undue hardship on a particular employer, 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

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*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;

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(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:

(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

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promoted; or

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

(2) ~~(A)~~ Except as provided in Subsection (4), 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;

(b) may not 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.

(4) A municipality is not required to comply with Subsection (2) if the legislative body of the municipality determines that complying with the requirement would cause the municipality significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the municipality's operations.

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

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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) ~~†An~~ **Except as provided in Subsection (4), an** interlocal entity 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;

(b) may not 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 interlocal entity and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

(4) An interlocal entity is not required to comply with Subsection (2) if the governing authority of the interlocal entity determines that complying with the requirement would cause the interlocal entity significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the interlocal entity's operations.

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

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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) ~~4A~~ Except as provided in Subsection (4), 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;

(b) may not interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and

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(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.

(4) A county is not required to comply with Subsection (2) if the legislative body of the county determines that complying with the requirement would cause the county significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the county's operations.

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:

(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:



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- (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}~~ Except as provided in Subsection (4), 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;

(b) may not 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

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favorable to the individual.

(4) An institution of higher education is not required to comply with Subsection (2) if the institution board of trustees of the institution of higher education determines that complying with the requirement would cause the institution of higher education significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the institution of higher education's operations.

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:

(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;

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(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~~ Except as provided in Subsection (4), a technical college 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;

(b) may not 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.

(4) A technical college is not required to comply with Subsection (2) if the institution board of trustees of the technical college determines that complying with the requirement

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would cause the technical college significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the technical college's operations.

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 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).

(2) ~~4A~~ Except as provided in Subsection (4), 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;

(b) may not 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 education agency and the individual described in Subsection (2) agree to terms that are more favorable to the individual.

(4) A local education agency is not required to comply with Subsection (2) if the local school district board of the local education agency determines that complying with the requirement would cause the local education agency significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the local education agency's operations.

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

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**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 legislator's official duties.

(c) "Legislator" means:

(i) a member of the Utah Senate;

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(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).

(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;

(b) may not 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.