

**Representative James A. Dunnigan** proposes the following substitute bill:

**OPERATIONS OF STATE GOVERNMENT**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill modifies and repeals provisions related to government operations.

**Highlighted Provisions:**

This bill:

- ▶ modifies or repeals provisions related to legislative process that are intended for incorporation into legislative rules;
- ▶ gives the Legislative Management Committee the authority to reappoint an individual as the legislative auditor general, the legislative fiscal analyst, the director of the Office of Legislative Research and General Counsel, or the legislative general counsel;
- ▶ changes the membership of the Research and General Counsel Subcommittee, and the Budget Subcommittee;
- ▶ modifies the duties of the Subcommittee on Oversight;
- ▶ repeals the statewide elected official summit;
- ▶ addresses the State Capitol Preservation Board's, the governor's, and the Legislature's authority over areas on capitol hill; and
- ▶ updates inconsistent terminology.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 17B-2a-818.5, as last amended by Laws of Utah 2023, Chapter 327

32 19-1-206, as last amended by Laws of Utah 2023, Chapter 327

33 26A-1-108, as last amended by Laws of Utah 2022, Chapter 39

34 26A-1-114, as last amended by Laws of Utah 2023, Chapters 90, 327

35 26B-1-309, as renumbered and amended by Laws of Utah 2023, Chapter 305

36 26B-3-909, as renumbered and amended by Laws of Utah 2023, Chapter 306

37 32B-4-102, as last amended by Laws of Utah 2016, Chapter 245

38 32B-4-415, as last amended by Laws of Utah 2022, Chapter 447

39 36-2-2, as last amended by Laws of Utah 2010, Chapter 133

40 36-11-102, as last amended by Laws of Utah 2023, Chapter 16

41 36-12-1, as last amended by Laws of Utah 2000, Chapter 104

42 36-12-6, as last amended by Laws of Utah 2016, Chapter 403

43 36-12-7, as last amended by Laws of Utah 2022, Chapter 222

44 36-12-8, as last amended by Laws of Utah 2016, Chapter 403

45 36-12-8.1, as last amended by Laws of Utah 2018, Chapter 254

46 36-12-9.5, as enacted by Laws of Utah 2014, Chapter 167

47 36-12-19, as last amended by Laws of Utah 1989, Chapter 174

48 41-6a-1401, as last amended by Laws of Utah 2016, Chapter 245

49 49-11-406, as last amended by Laws of Utah 2021, Chapters 64, 282, 344, and 382

50 53-1-102, as last amended by Laws of Utah 2021, Chapters 349, 360

51 53-1-109, as last amended by Laws of Utah 2005, Chapter 2

52 53-8-105, as last amended by Laws of Utah 2023, Chapter 432

53 53D-2-203, as enacted by Laws of Utah 2018, Chapter 448

54 55-5-6, as last amended by Laws of Utah 2001, Chapter 9

55 63A-5b-102, as last amended by Laws of Utah 2022, Chapter 421

56 63A-5b-303 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapter

57 329  
58 **63A-5b-303 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters  
59 329, 394  
60 **63A-5b-607**, as last amended by Laws of Utah 2023, Chapter 329  
61 **63G-1-503 (Effective 03/09/24)**, as enacted by Laws of Utah 2023, Chapter 451  
62 **63G-1-702**, as enacted by Laws of Utah 2013, Chapter 90  
63 **63J-1-602.2 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters  
64 33, 34, 134, 139, 180, 212, 246, 330, 345, 354, and 534  
65 **63J-1-602.2 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 33,  
66 34, 134, 139, 180, 212, 246, 310, 330, 345, 354, and 534  
67 **72-6-107.5**, as last amended by Laws of Utah 2023, Chapter 330  
68 **79-2-404**, as last amended by Laws of Utah 2023, Chapter 330

69 ENACTS:

70 **63O-1-101**, Utah Code Annotated 1953  
71 **63O-1-201**, Utah Code Annotated 1953  
72 **63O-1-202**, Utah Code Annotated 1953  
73 **63O-1-203**, Utah Code Annotated 1953  
74 **63O-1-204**, Utah Code Annotated 1953  
75 **63O-1-205**, Utah Code Annotated 1953  
76 **63O-1-206**, Utah Code Annotated 1953  
77 **63O-1-301**, Utah Code Annotated 1953  
78 **63O-1-302**, Utah Code Annotated 1953  
79 **63O-1-303**, Utah Code Annotated 1953

80 RENUMBERS AND AMENDS:

81 **63O-2-101**, (Renumbered from 63C-9-102, as last amended by Laws of Utah 2006,  
82 Chapter 256)  
83 **63O-2-201**, (Renumbered from 63C-9-201, as last amended by Laws of Utah 2006,  
84 Chapter 256)  
85 **63O-2-202**, (Renumbered from 63C-9-202, as last amended by Laws of Utah 2014,  
86 Chapter 387)  
87 **63O-2-301**, (Renumbered from 63C-9-301, as last amended by Laws of Utah 2023,

88 Chapter 160)

89 630-2-401, (Renumbered from 63C-9-401, as last amended by Laws of Utah 2006,  
90 Chapter 256)

91 630-2-402, (Renumbered from 63C-9-402, as last amended by Laws of Utah 2015,  
92 Chapter 314)

93 630-2-403, (Renumbered from 63C-9-403, as last amended by Laws of Utah 2023,  
94 Chapter 329)

95 630-2-501, (Renumbered from 63C-9-501, as last amended by Laws of Utah 2023,  
96 Chapter 534)

97 630-2-601, (Renumbered from 63C-9-601, as last amended by Laws of Utah 2023,  
98 Chapter 160)

99 630-2-602, (Renumbered from 63C-9-602, as enacted by Laws of Utah 1998, Chapter  
100 285)

101 REPEALS:

102 36-2-1, as last amended by Laws of Utah 2015, Chapter 71

103 36-5-1, as last amended by Laws of Utah 2015, Chapter 314

104 36-12-2, as last amended by Laws of Utah 1998, Chapter 226

105 36-12-3, as last amended by Laws of Utah 2002, Chapter 39

106 36-12-4, as last amended by Laws of Utah 1988, Chapter 6

107 36-12-5, as last amended by Laws of Utah 2013, Chapter 177

108 36-21-1, as last amended by Laws of Utah 2020, Chapter 365

109 36-34-101, as enacted by Laws of Utah 2023, Chapter 207

110 63C-9-101, as enacted by Laws of Utah 1998, Chapter 285

111 67-1-16, as enacted by Laws of Utah 2008, Chapter 10



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

114 Section 1. Section **17B-2a-818.5** is amended to read:

115 **17B-2a-818.5. Contracting powers of public transit districts -- Health insurance**  
116 **coverage.**

117 (1) As used in this section:

118 (a) "Aggregate" means the sum of all contracts, change orders, and modifications

119 related to a single project.

120 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

121 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or  
122 "operative" who:

123 (i) works at least 30 hours per calendar week; and

124 (ii) meets employer eligibility waiting requirements for health care insurance, which  
125 may not exceed the first day of the calendar month following 60 days after the day on which  
126 the individual is hired.

127 (d) "Health benefit plan" means:

128 (i) the same as that term is defined in Section 31A-1-301; or

129 (ii) an employee welfare benefit plan:

130 (A) established under the Employee Retirement Income Security Act of 1974, 29  
131 U.S.C. Sec. 1001 et seq.;

132 (B) for an employer with 100 or more employees; and

133 (C) in which the employer establishes a self-funded or partially self-funded group  
134 health plan to provide medical care for the employer's employees and dependents of the  
135 employees.

136 (e) "Qualified health coverage" means the same as that term is defined in Section  
137 26B-3-909.

138 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

139 (g) "Third party administrator" or "administrator" means the same as that term is  
140 defined in Section 31A-1-301.

141 (2) Except as provided in Subsection (3), the requirements of this section apply to:

142 (a) a contractor of a design or construction contract entered into by the public transit  
143 district on or after July 1, 2009, if the prime contract is in an aggregate amount equal to or  
144 greater than \$2,000,000; and

145 (b) a subcontractor of a contractor of a design or construction contract entered into by  
146 the public transit district on or after July 1, 2009, if the subcontract is in an aggregate amount  
147 equal to or greater than \$1,000,000.

148 (3) The requirements of this section do not apply to a contractor or subcontractor  
149 described in Subsection (2) if:

- 150 (a) the application of this section jeopardizes the receipt of federal funds;
- 151 (b) the contract is a sole source contract; or
- 152 (c) the contract is an emergency procurement.
- 153 (4) A person that intentionally uses change orders, contract modifications, or multiple
- 154 contracts to circumvent the requirements of this section is guilty of an infraction.
- 155 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
- 156 public transit district that the contractor has and will maintain an offer of qualified health
- 157 coverage for the contractor's employees and the employee's dependents during the duration of
- 158 the contract by submitting to the public transit district a written statement that:
- 159 (i) the contractor offers qualified health coverage that complies with Section
- 160 26B-3-909;
- 161 (ii) is from:
- 162 (A) an actuary selected by the contractor or the contractor's insurer;
- 163 (B) an underwriter who is responsible for developing the employer group's premium
- 164 rates; or
- 165 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
- 166 an actuary or underwriter selected by a third party administrator; and
- 167 (iii) was created within one year before the day on which the statement is submitted.
- 168 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
- 169 shall provide the actuary or underwriter selected by an administrator, as described in
- 170 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
- 171 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
- 172 requirements of qualified health coverage.
- 173 (ii) A contractor may not make a change to the contractor's contribution to the health
- 174 benefit plan, unless the contractor provides notice to:
- 175 (A) the actuary or underwriter selected by an administrator as described in Subsection
- 176 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
- 177 Subsection (5)(a) in compliance with this section; and
- 178 (B) the public transit district.
- 179 (c) A contractor that is subject to the requirements of this section shall:
- 180 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that

181 is subject to the requirements of this section shall obtain and maintain an offer of qualified  
182 health coverage for the subcontractor's employees and the employees' dependents during the  
183 duration of the subcontract; and

184 (ii) obtain from a subcontractor that is subject to the requirements of this section a  
185 written statement that:

186 (A) the subcontractor offers qualified health coverage that complies with Section  
187 26B-3-909;

188 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an  
189 underwriter who is responsible for developing the employer group's premium rates, or if the  
190 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or  
191 underwriter selected by an administrator; and

192 (C) was created within one year before the day on which the contractor obtains the  
193 statement.

194 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage as  
195 described in Subsection (5)(a) during the duration of the contract is subject to penalties in  
196 accordance with an ordinance adopted by the public transit district under Subsection (6).

197 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain  
198 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

199 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health  
200 coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to  
201 penalties in accordance with an ordinance adopted by the public transit district under  
202 Subsection (6).

203 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain  
204 an offer of qualified health coverage described in Subsection (5)(a).

205 (6) The public transit district shall adopt ordinances:

206 (a) in coordination with:

207 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

208 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

209 (iii) the Division of Facilities Construction and Management in accordance with  
210 Section 63A-5b-607;

211 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]

212 63O-2-403; and

213 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

214 (b) that establish:

215 (i) the requirements and procedures a contractor and a subcontractor shall follow to  
216 demonstrate compliance with this section, including:

217 (A) that a contractor or subcontractor's compliance with this section is subject to an  
218 audit by the public transit district or the Office of the Legislative Auditor General;

219 (B) that a contractor that is subject to the requirements of this section shall obtain a  
220 written statement described in Subsection (5)(a); and

221 (C) that a subcontractor that is subject to the requirements of this section shall obtain a  
222 written statement described in Subsection (5)(c)(ii);

223 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally  
224 violates the provisions of this section, which may include:

225 (A) a three-month suspension of the contractor or subcontractor from entering into  
226 future contracts with the public transit district upon the first violation;

227 (B) a six-month suspension of the contractor or subcontractor from entering into future  
228 contracts with the public transit district upon the second violation;

229 (C) an action for debarment of the contractor or subcontractor in accordance with  
230 Section 63G-6a-904 upon the third or subsequent violation; and

231 (D) monetary penalties which may not exceed 50% of the amount necessary to  
232 purchase qualified health coverage for employees and dependents of employees of the  
233 contractor or subcontractor who were not offered qualified health coverage during the duration  
234 of the contract; and

235 (iii) a website on which the district shall post the commercially equivalent benchmark,  
236 for the qualified health coverage identified in Subsection (1)(e), that is provided by the  
237 Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

238 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(b)(ii), a contractor  
239 or subcontractor who intentionally violates the provisions of this section is liable to the  
240 employee for health care costs that would have been covered by qualified health coverage.

241 (ii) An employer has an affirmative defense to a cause of action under Subsection  
242 (7)(a)(i) if:



243 (A) the employer relied in good faith on a written statement described in Subsection  
244 (5)(a) or (5)(c)(ii); or

245 (B) a department or division determines that compliance with this section is not  
246 required under the provisions of Subsection (3).

247 (b) An employee has a private right of action only against the employee's employer to  
248 enforce the provisions of this Subsection (7).

249 (8) Any penalties imposed and collected under this section shall be deposited into the  
250 Medicaid Restricted Account created in Section 26B-1-309.

251 (9) The failure of a contractor or subcontractor to provide qualified health coverage as  
252 required by this section:

253 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,  
254 or contractor under:

255 (i) Section 63G-6a-1602; or

256 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

257 (b) may not be used by the procurement entity or a prospective bidder, offeror, or  
258 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design  
259 or construction.

260 (10) An administrator, including an administrator's actuary or underwriter, who  
261 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
262 coverage of a contractor or subcontractor who provides a health benefit plan described in  
263 Subsection (1)(d)(ii):

264 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,  
265 unless the administrator commits gross negligence in preparing the written statement;

266 (b) is not liable for any error in the written statement if the administrator relied in good  
267 faith on information from the contractor or subcontractor; and

268 (c) may require as a condition of providing the written statement that a contractor or  
269 subcontractor hold the administrator harmless for an action arising under this section.

270 Section 2. Section **19-1-206** is amended to read:

271 **19-1-206. Contracting powers of department -- Health insurance coverage.**

272 (1) As used in this section:

273 (a) "Aggregate" means the sum of all contracts, change orders, and modifications

274 related to a single project.

275 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

276 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or  
277 "operative" who:

278 (i) works at least 30 hours per calendar week; and

279 (ii) meets employer eligibility waiting requirements for health care insurance, which  
280 may not exceed the first day of the calendar month following 60 days after the day on which  
281 the individual is hired.

282 (d) "Health benefit plan" means:

283 (i) the same as that term is defined in Section 31A-1-301; or

284 (ii) an employee welfare benefit plan:

285 (A) established under the Employee Retirement Income Security Act of 1974, 29  
286 U.S.C. Sec. 1001 et seq.;

287 (B) for an employer with 100 or more employees; and

288 (C) in which the employer establishes a self-funded or partially self-funded group  
289 health plan to provide medical care for the employer's employees and dependents of the  
290 employees.

291 (e) "Qualified health coverage" means the same as that term is defined in Section  
292 26B-3-909.

293 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

294 (g) "Third party administrator" or "administrator" means the same as that term is  
295 defined in Section 31A-1-301.

296 (2) Except as provided in Subsection (3), the requirements of this section apply to:

297 (a) a contractor of a design or construction contract entered into by, or delegated to, the  
298 department, or a division or board of the department, on or after July 1, 2009, if the prime  
299 contract is in an aggregate amount equal to or greater than \$2,000,000; and

300 (b) a subcontractor of a contractor of a design or construction contract entered into by,  
301 or delegated to, the department, or a division or board of the department, on or after July 1,  
302 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.

303 (3) This section does not apply to contracts entered into by the department or a division  
304 or board of the department if:

- 305 (a) the application of this section jeopardizes the receipt of federal funds;
- 306 (b) the contract or agreement is between:
  - 307 (i) the department or a division or board of the department; and
  - 308 (ii) (A) another agency of the state;
  - 309 (B) the federal government;
  - 310 (C) another state;
  - 311 (D) an interstate agency;
  - 312 (E) a political subdivision of this state; or
  - 313 (F) a political subdivision of another state;
- 314 (c) the executive director determines that applying the requirements of this section to a  
315 particular contract interferes with the effective response to an immediate health and safety  
316 threat from the environment; or
- 317 (d) the contract is:
  - 318 (i) a sole source contract; or
  - 319 (ii) an emergency procurement.
- 320 (4) A person that intentionally uses change orders, contract modifications, or multiple  
321 contracts to circumvent the requirements of this section is guilty of an infraction.
- 322 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the  
323 executive director that the contractor has and will maintain an offer of qualified health  
324 coverage for the contractor's employees and the employees' dependents during the duration of  
325 the contract by submitting to the executive director a written statement that:
  - 326 (i) the contractor offers qualified health coverage that complies with Section  
327 26B-3-909;
  - 328 (ii) is from:
    - 329 (A) an actuary selected by the contractor or the contractor's insurer;
    - 330 (B) an underwriter who is responsible for developing the employer group's premium  
331 rates; or
    - 332 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),  
333 an actuary or underwriter selected by a third party administrator; and
    - 334 (iii) was created within one year before the day on which the statement is submitted.
  - 335 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)

336 shall provide the actuary or underwriter selected by an administrator, as described in  
337 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's  
338 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the  
339 requirements of qualified health coverage.

340 (ii) A contractor may not make a change to the contractor's contribution to the health  
341 benefit plan, unless the contractor provides notice to:

342 (A) the actuary or underwriter selected by an administrator, as described in Subsection  
343 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in  
344 Subsection (5)(a) in compliance with this section; and

345 (B) the department.

346 (c) A contractor that is subject to the requirements of this section shall:

347 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that  
348 is subject to the requirements of this section shall obtain and maintain an offer of qualified  
349 health coverage for the subcontractor's employees and the employees' dependents during the  
350 duration of the subcontract; and

351 (ii) obtain from a subcontractor that is subject to the requirements of this section a  
352 written statement that:

353 (A) the subcontractor offers qualified health coverage that complies with Section  
354 26B-3-909;

355 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an  
356 underwriter who is responsible for developing the employer group's premium rates, or if the  
357 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or  
358 underwriter selected by an administrator; and

359 (C) was created within one year before the day on which the contractor obtains the  
360 statement.

361 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage  
362 described in Subsection (5)(a) during the duration of the contract is subject to penalties in  
363 accordance with administrative rules adopted by the department under Subsection (6).

364 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain  
365 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

366 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health

367 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to  
368 penalties in accordance with administrative rules adopted by the department under Subsection  
369 (6).

370 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain  
371 an offer of qualified health coverage described in Subsection (5)(a).

372 (6) The department shall adopt administrative rules:

373 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

374 (b) in coordination with:

375 (i) a public transit district in accordance with Section 17B-2a-818.5;

376 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

377 (iii) the Division of Facilities Construction and Management in accordance with  
378 Section 63A-5b-607;

379 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]  
380 63O-2-403;

381 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

382 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

383 and

384 (c) that establish:

385 (i) the requirements and procedures a contractor and a subcontractor shall follow to  
386 demonstrate compliance with this section, including:

387 (A) that a contractor or subcontractor's compliance with this section is subject to an  
388 audit by the department or the Office of the Legislative Auditor General;

389 (B) that a contractor that is subject to the requirements of this section shall obtain a  
390 written statement described in Subsection (5)(a); and

391 (C) that a subcontractor that is subject to the requirements of this section shall obtain a  
392 written statement described in Subsection (5)(c)(ii);

393 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally  
394 violates the provisions of this section, which may include:

395 (A) a three-month suspension of the contractor or subcontractor from entering into  
396 future contracts with the state upon the first violation;

397 (B) a six-month suspension of the contractor or subcontractor from entering into future

398 contracts with the state upon the second violation;

399 (C) an action for debarment of the contractor or subcontractor in accordance with  
400 Section 63G-6a-904 upon the third or subsequent violation; and

401 (D) notwithstanding Section 19-1-303, monetary penalties which may not exceed 50%  
402 of the amount necessary to purchase qualified health coverage for an employee and the  
403 dependents of an employee of the contractor or subcontractor who was not offered qualified  
404 health coverage during the duration of the contract; and

405 (iii) a website on which the department shall post the commercially equivalent  
406 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by  
407 the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

408 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor  
409 or subcontractor who intentionally violates the provisions of this section is liable to the  
410 employee for health care costs that would have been covered by qualified health coverage.

411 (ii) An employer has an affirmative defense to a cause of action under Subsection  
412 (7)(a)(i) if:

413 (A) the employer relied in good faith on a written statement described in Subsection  
414 (5)(a) or (5)(c)(ii); or

415 (B) the department determines that compliance with this section is not required under  
416 the provisions of Subsection (3).

417 (b) An employee has a private right of action only against the employee's employer to  
418 enforce the provisions of this Subsection (7).

419 (8) Any penalties imposed and collected under this section shall be deposited into the  
420 Medicaid Restricted Account created in Section 26B-1-309.

421 (9) The failure of a contractor or subcontractor to provide qualified health coverage as  
422 required by this section:

423 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,  
424 or contractor under:

425 (i) Section 63G-6a-1602; or

426 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

427 (b) may not be used by the procurement entity or a prospective bidder, offeror, or

428 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design

429 or construction.

430 (10) An administrator, including an administrator's actuary or underwriter, who  
431 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
432 coverage of a contractor or subcontractor who provides a health benefit plan described in  
433 Subsection (1)(d)(ii):

434 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,  
435 unless the administrator commits gross negligence in preparing the written statement;

436 (b) is not liable for any error in the written statement if the administrator relied in good  
437 faith on information from the contractor or subcontractor; and

438 (c) may require as a condition of providing the written statement that a contractor or  
439 subcontractor hold the administrator harmless for an action arising under this section.

440 Section 3. Section **26A-1-108** is amended to read:

441 **26A-1-108. Jurisdiction and duties of local health departments -- Registration as**  
442 **a limited purpose entity.**

443 (1) (a) Except as provided in Subsection (1)(b), a local health department has  
444 jurisdiction in all unincorporated and incorporated areas of the county or counties in which it  
445 is established and shall enforce state health laws, Department of Health, Department of  
446 Environmental Quality, and local health department rules, regulations, and standards within  
447 those areas.

448 (b) Notwithstanding Subsection (1)(a), a local health department's jurisdiction or  
449 authority to issue an order of constraint pursuant to a declared public health emergency does  
450 not apply to any facility, property, or area owned or leased by the state, including [~~the capitol~~  
451 ~~hill complex, as that term is defined in Section 63C-9-102]~~ capitol hill, as defined in Section  
452 63O-1-101.

453 (2) (a) Each local health department shall register and maintain the local health  
454 department's registration as a limited purpose entity, in accordance with Section 67-1a-15.

455 (b) A local health department that fails to comply with Subsection (2)(a) or Section  
456 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

457 Section 4. Section **26A-1-114** is amended to read:

458 **26A-1-114. Powers and duties of departments.**

459 (1) Subject to Subsections (7), (8), and (11), a local health department may:

460 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,  
461 department rules, and local health department standards and regulations relating to public  
462 health and sanitation, including the plumbing code administered by the Division of  
463 Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction Code  
464 Administration Act, and under Title 26B, Chapter 7, Part 4, General Sanitation and Food  
465 Safety, in all incorporated and unincorporated areas served by the local health department;

466 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical  
467 control over property and over individuals as the local health department finds necessary for  
468 the protection of the public health;

469 (c) establish and maintain medical, environmental, occupational, and other laboratory  
470 services considered necessary or proper for the protection of the public health;

471 (d) establish and operate reasonable health programs or measures not in conflict with  
472 state law which:

473 (i) are necessary or desirable for the promotion or protection of the public health and  
474 the control of disease; or

475 (ii) may be necessary to ameliorate the major risk factors associated with the major  
476 causes of injury, sickness, death, and disability in the state;

477 (e) close theaters, schools, and other public places and prohibit gatherings of people  
478 when necessary to protect the public health;

479 (f) abate nuisances or eliminate sources of filth and infectious and communicable  
480 diseases affecting the public health and bill the owner or other person in charge of the premises  
481 upon which this nuisance occurs for the cost of abatement;

482 (g) make necessary sanitary and health investigations and inspections on the local  
483 health department's own initiative or in cooperation with the Department of Health and Human  
484 Services or the Department of Environmental Quality, or both, as to any matters affecting the  
485 public health;

486 (h) pursuant to county ordinance or interlocal agreement:

487 (i) establish and collect appropriate fees for the performance of services and operation  
488 of authorized or required programs and duties;

489 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,  
490 property, services, or materials for public health purposes; and



491 (iii) make agreements not in conflict with state law which are conditional to receiving a  
492 donation or grant;

493 (i) prepare, publish, and disseminate information necessary to inform and advise the  
494 public concerning:

495 (i) the health and wellness of the population, specific hazards, and risk factors that may  
496 adversely affect the health and wellness of the population; and

497 (ii) specific activities individuals and institutions can engage in to promote and protect  
498 the health and wellness of the population;

499 (j) investigate the causes of morbidity and mortality;

500 (k) issue notices and orders necessary to carry out this part;

501 (l) conduct studies to identify injury problems, establish injury control systems,  
502 develop standards for the correction and prevention of future occurrences, and provide public  
503 information and instruction to special high risk groups;

504 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules  
505 within the jurisdiction of the boards;

506 (n) cooperate with the state health department, the Department of Corrections, the  
507 Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and  
508 the Crime Victim Reparations Board to conduct testing for HIV infection of alleged sexual  
509 offenders, convicted sexual offenders, and any victims of a sexual offense;

510 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and

511 (p) provide public health assistance in response to a national, state, or local emergency,  
512 a public health emergency as defined in Section 26B-7-301, or a declaration by the President of  
513 the United States or other federal official requesting public health-related activities.

514 (2) The local health department shall:

515 (a) establish programs or measures to promote and protect the health and general  
516 wellness of the people within the boundaries of the local health department;

517 (b) investigate infectious and other diseases of public health importance and implement  
518 measures to control the causes of epidemic and communicable diseases and other conditions  
519 significantly affecting the public health which may include involuntary testing of alleged sexual  
520 offenders for the HIV infection pursuant to Section 53-10-802 and voluntary testing of victims  
521 of sexual offenses for HIV infection pursuant to Section 53-10-803;

522 (c) cooperate with the department in matters pertaining to the public health and in the  
523 administration of state health laws; and

524 (d) coordinate implementation of environmental programs to maximize efficient use of  
525 resources by developing with the Department of Environmental Quality a Comprehensive  
526 Environmental Service Delivery Plan which:

527 (i) recognizes that the Department of Environmental Quality and local health  
528 departments are the foundation for providing environmental health programs in the state;

529 (ii) delineates the responsibilities of the department and each local health department  
530 for the efficient delivery of environmental programs using federal, state, and local authorities,  
531 responsibilities, and resources;

532 (iii) provides for the delegation of authority and pass through of funding to local health  
533 departments for environmental programs, to the extent allowed by applicable law, identified in  
534 the plan, and requested by the local health department; and

535 (iv) is reviewed and updated annually.

536 (3) The local health department has the following duties regarding public and private  
537 schools within the local health department's boundaries:

538 (a) enforce all ordinances, standards, and regulations pertaining to the public health of  
539 persons attending public and private schools;

540 (b) exclude from school attendance any person, including teachers, who is suffering  
541 from any communicable or infectious disease, whether acute or chronic, if the person is likely  
542 to convey the disease to those in attendance; and

543 (c) (i) make regular inspections of the health-related condition of all school buildings  
544 and premises;

545 (ii) report the inspections on forms furnished by the department to those responsible for  
546 the condition and provide instructions for correction of any conditions that impair or endanger  
547 the health or life of those attending the schools; and

548 (iii) provide a copy of the report to the department at the time the report is made.

549 (4) If those responsible for the health-related condition of the school buildings and  
550 premises do not carry out any instructions for corrections provided in a report in Subsection  
551 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the  
552 persons responsible.

553 (5) The local health department may exercise incidental authority as necessary to carry  
554 out the provisions and purposes of this part.

555 (6) Nothing in this part may be construed to authorize a local health department to  
556 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon  
557 monoxide detector in a residential dwelling against anyone other than the occupant of the  
558 dwelling.

559 (7) (a) Except as provided in Subsection (7)(c), a local health department may not  
560 declare a public health emergency or issue an order of constraint until the local health  
561 department has provided notice of the proposed action to the chief executive officer of the  
562 relevant county no later than 24 hours before the local health department issues the order or  
563 declaration.

564 (b) The local health department:

565 (i) shall provide the notice required by Subsection (7)(a) using the best available  
566 method under the circumstances as determined by the local health department;

567 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and

568 (iii) shall provide the notice in written form, if practicable.

569 (c) (i) Notwithstanding Subsection (7)(a), a local health department may declare a  
570 public health emergency or issue an order of constraint without approval of the chief executive  
571 officer of the relevant county if the passage of time necessary to obtain approval of the chief  
572 executive officer of the relevant county as required in Subsection (7)(a) would substantially  
573 increase the likelihood of loss of life due to an imminent threat.

574 (ii) If a local health department declares a public health emergency or issues an order  
575 of constraint as described in Subsection (7)(c)(i), the local health department shall notify the  
576 chief executive officer of the relevant county before issuing the order of constraint.

577 (iii) The chief executive officer of the relevant county may terminate a declaration of a  
578 public health emergency or an order of constraint issued as described in Subsection (7)(c)(i)  
579 within 72 hours of declaration of the public health emergency or issuance of the order of  
580 constraint.

581 (d) (i) The relevant county governing body may at any time terminate a public health  
582 emergency or an order of constraint issued by the local health department by majority vote of  
583 the county governing body in response to a declared public health emergency.

584 (ii) A vote by the relevant county governing body to terminate a public health  
585 emergency or an order of constraint as described in Subsection (7)(d)(i) is not subject to veto  
586 by the relevant chief executive officer.

587 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by  
588 a local health department expires at the earliest of:

589 (i) the local health department or the chief executive officer of the relevant county  
590 finding that the threat or danger has passed or the public health emergency reduced to the  
591 extent that emergency conditions no longer exist;

592 (ii) 30 days after the date on which the local health department declared the public  
593 health emergency; or

594 (iii) the day on which the public health emergency is terminated by majority vote of the  
595 county governing body.

596 (b) (i) The relevant county legislative body, by majority vote, may extend a public  
597 health emergency for a time period designated by the county legislative body.

598 (ii) If the county legislative body extends a public health emergency as described in  
599 Subsection (8)(b)(i), the public health emergency expires on the date designated by the county  
600 legislative body.

601 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a  
602 local health department expires as described in Subsection (8)(a), the local health department  
603 may not declare a public health emergency for the same illness or occurrence that precipitated  
604 the previous public health emergency declaration.

605 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local  
606 health department finds that exigent circumstances exist, after providing notice to the county  
607 legislative body, the department may declare a new public health emergency for the same  
608 illness or occurrence that precipitated a previous public health emergency declaration.

609 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires in  
610 accordance with Subsection (8)(a) or (b).

611 (e) For a public health emergency declared by a local health department under this  
612 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures  
613 for Communicable Diseases, the Legislature may terminate by joint resolution a public health  
614 emergency that was declared based on exigent circumstances or that has been in effect for more

615 than 30 days.

616 (f) If the Legislature or county legislative body terminates a public health emergency  
617 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local health  
618 department may not declare a new public health emergency for the same illness, occurrence, or  
619 exigent circumstances.

620 (9) (a) During a public health emergency declared under this chapter or under Title  
621 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable  
622 Diseases:

623 (i) except as provided in Subsection (9)(b), a local health department may not issue an  
624 order of constraint without approval of the chief executive officer of the relevant county;

625 (ii) the Legislature may at any time terminate by joint resolution an order of constraint  
626 issued by a local health department in response to a declared public health emergency that has  
627 been in effect for more than 30 days; and

628 (iii) a county governing body may at any time terminate by majority vote of the  
629 governing body an order of constraint issued by a local health department in response to a  
630 declared public health emergency.

631 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an  
632 order of constraint without approval of the chief executive officer of the relevant county if the  
633 passage of time necessary to obtain approval of the chief executive officer of the relevant  
634 county as required in Subsection (9)(a)(i) would substantially increase the likelihood of loss of  
635 life due to an imminent threat.

636 (ii) If a local health department issues an order of constraint as described in Subsection  
637 (9)(b), the local health department shall notify the chief executive officer of the relevant county  
638 before issuing the order of constraint.

639 (iii) The chief executive officer of the relevant county may terminate an order of  
640 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of the order of  
641 constraint.

642 (c) (i) For a local health department that serves more than one county, the approval  
643 described in Subsection (9)(a)(i) is required for the chief executive officer for which the order  
644 of constraint is applicable.

645 (ii) For a local health department that serves more than one county, a county governing

646 body may only terminate an order of constraint as described in Subsection (9)(a)(iii) for the  
647 county served by the county governing body.

648 (10) (a) During a public health emergency declared as described in this title:

649 (i) the department or a local health department may not impose an order of constraint  
650 on a religious gathering that is more restrictive than an order of constraint that applies to any  
651 other relevantly similar gathering; and

652 (ii) an individual, while acting or purporting to act within the course and scope of the  
653 individual's official department or local health department capacity, may not:

654 (A) prevent a religious gathering that is held in a manner consistent with any order of  
655 constraint issued pursuant to this title; or

656 (B) impose a penalty for a previous religious gathering that was held in a manner  
657 consistent with any order of constraint issued pursuant to this title.

658 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to  
659 prevent the violation of this Subsection (10).

660 (c) During a public health emergency declared as described in this title, the department  
661 or a local health department shall not issue a public health order or impose or implement a  
662 regulation that substantially burdens an individual's exercise of religion unless the department  
663 or local health department demonstrates that the application of the burden to the individual:

664 (i) is in furtherance of a compelling government interest; and

665 (ii) is the least restrictive means of furthering that compelling government interest.

666 (d) Notwithstanding Subsections (8)(a) and (c), the department or a local health  
667 department shall allow reasonable accommodations for an individual to perform or participate  
668 in a religious practice or rite.

669 (11) An order of constraint issued by a local health department pursuant to a declared  
670 public health emergency does not apply to a facility, property, or area owned or leased by the  
671 state, including ~~[the capitol hill complex, as that term is defined in Section 63C-9-102]~~ capitol  
672 hill, as defined in Section 63O-1-101.

673 (12) A local health department may not:

674 (a) require a person to obtain an inspection, license, or permit from the local health  
675 department to engage in a practice described in Subsection 58-11a-304(5); or

676 (b) prevent or limit a person's ability to engage in a practice described in Subsection

677 58-11a-304(5) by:

678 (i) requiring the person to engage in the practice at a specific location or at a particular  
679 type of facility or location; or

680 (ii) enforcing a regulation applicable to a facility or location where the person chooses  
681 to engage in the practice.

682 Section 5. Section **26B-1-309** is amended to read:

683 **26B-1-309. Medicaid Restricted Account.**

684 (1) There is created a restricted account in the General Fund known as the "Medicaid  
685 Restricted Account."

686 (2) (a) Except as provided in Subsection (3), the following shall be deposited into the  
687 Medicaid Restricted Account:

688 (i) any general funds appropriated to the department for the state plan for medical  
689 assistance or for the Division of Health Care Financing that are not expended by the  
690 department in the fiscal year for which the general funds were appropriated and which are not  
691 otherwise designated as nonlapsing shall lapse into the Medicaid Restricted Account;

692 (ii) any unused state funds that are associated with the Medicaid program, as defined in  
693 Section 26B-3-101, from the Department of Workforce Services; and

694 (iii) any penalties imposed and collected under:

695 (A) Section 17B-2a-818.5;

696 (B) Section 19-1-206;

697 (C) Section 63A-5b-607;

698 (D) Section [~~63C-9-403~~] 63O-2-403;

699 (E) Section 72-6-107.5; or

700 (F) Section 79-2-404.

701 (b) The account shall earn interest and all interest earned shall be deposited into the  
702 account.

703 (c) The Legislature may appropriate money in the restricted account to fund programs  
704 that expand medical assistance coverage and private health insurance plans to low income  
705 persons who have not traditionally been served by Medicaid, including the Utah Children's  
706 Health Insurance Program created in Section 26B-3-902.

707 (3) (a) For fiscal years 2008-09, 2009-10, 2010-11, 2011-12, and 2012-13 the

708 following funds are nonlapsing:

709 (i) any general funds appropriated to the department for the state plan for medical  
710 assistance, or for the Division of Health Care Financing that are not expended by the  
711 department in the fiscal year in which the general funds were appropriated; and

712 (ii) funds described in Subsection (2)(a)(ii).

713 (b) For fiscal years 2019-20, 2020-21, 2021-22, and 2022-23, the funds described in  
714 Subsections (2)(a)(ii) and (3)(a)(i) are nonlapsing.

715 Section 6. Section **26B-3-909** is amended to read:

716 **26B-3-909. State contractor -- Employee and dependent health benefit plan**  
717 **coverage.**

718 (1) For purposes of Sections 17B-2a-818.5, 19-1-206, 63A-5b-607, [~~63C-9-403~~]  
719 ~~63O-2-403~~, 72-6-107.5, and 79-2-404, "qualified health coverage" means, at the time the  
720 contract is entered into or renewed:

721 (a) a health benefit plan and employer contribution level with a combined actuarial  
722 value at least actuarially equivalent to the combined actuarial value of:

723 (i) the benchmark plan determined by the program under Subsection 26B-3-904(1)(a);  
724 and

725 (ii) a contribution level at which the employer pays at least 50% of the premium or  
726 contribution amounts for the employee and the dependents of the employee who reside or work  
727 in the state; or

728 (b) a federally qualified high deductible health plan that, at a minimum:

729 (i) has a deductible that is:

730 (A) the lowest deductible permitted for a federally qualified high deductible health  
731 plan; or

732 (B) a deductible that is higher than the lowest deductible permitted for a federally  
733 qualified high deductible health plan, but includes an employer contribution to a health savings  
734 account in a dollar amount at least equal to the dollar amount difference between the lowest  
735 deductible permitted for a federally qualified high deductible plan and the deductible for the  
736 employer offered federally qualified high deductible plan;

737 (ii) has an out-of-pocket maximum that does not exceed three times the amount of the  
738 annual deductible; and



739 (iii) provides that the employer pays 60% of the premium or contribution amounts for  
740 the employee and the dependents of the employee who work or reside in the state.

741 (2) The department shall:

742 (a) on or before July 1, 2016:

743 (i) determine the commercial equivalent of the benchmark plan described in Subsection  
744 (1)(a); and

745 (ii) post the commercially equivalent benchmark plan described in Subsection (2)(a)(i)  
746 on the department's website, noting the date posted; and

747 (b) update the posted commercially equivalent benchmark plan annually and at the  
748 time of any change in the benchmark.

749 Section 7. Section **32B-4-102** is amended to read:

750 **32B-4-102. Definitions.**

751 As used in this chapter, "capitol hill complex" means [~~the same as that term is defined~~  
752 ~~in Section 63C-9-102]~~ capitol hill, as defined in Section 63O-1-101.

753 Section 8. Section **32B-4-415** is amended to read:

754 **32B-4-415. Unlawful bringing onto premises for consumption.**

755 (1) Except as provided in Subsection (4) and Section 32B-5-307, a person may not  
756 bring an alcoholic product for on-premise consumption onto the premises of:

757 (a) a retail licensee or person required to be licensed under this title as a retail licensee;

758 (b) an establishment that conducts a business similar to a retail licensee;

759 (c) an event where an alcoholic product is sold, offered for sale, or furnished under a  
760 single event permit or temporary beer event permit issued under this title;

761 (d) an establishment open to the general public; or

762 (e) the capitol hill complex.

763 (2) Except as provided in Subsection (4) and Section 32B-5-307, the following may  
764 not allow a person to bring onto its premises an alcoholic product for on-premise consumption  
765 or allow consumption of an alcoholic product brought onto its premises in violation of this  
766 section:

767 (a) a retail licensee or a person required to be licensed under this title as a retail  
768 licensee;

769 (b) an establishment that conducts a business similar to a retail licensee;

- 770 (c) a single event permittee or temporary beer event permittee;
- 771 (d) an establishment open to the general public;
- 772 (e) the State Capitol Preservation Board created in Section [~~63C-9-201~~] 63O-2-201; or
- 773 (f) staff of a person listed in Subsections (2)(a) through (e).

774 (3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an  
775 alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a  
776 passenger at:

- 777 (a) a location from which the passenger departs in a private vehicle; or
- 778 (b) the capitol hill complex.

779 (4) (a) A person may bring bottled wine onto the premises of the following and  
780 consume the wine pursuant to Section 32B-5-307:

- 781 (i) a full-service restaurant licensee;
- 782 (ii) a limited restaurant licensee;
- 783 (iii) a bar establishment licensee; or
- 784 (iv) a person operating under a spa sublicense.

785 (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic  
786 product in the limousine if:

- 787 (i) the travel of the limousine begins and ends at:
  - 788 (A) the residence of the passenger;
  - 789 (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
  - 790 (C) the temporary domicile of the passenger;
- 791 (ii) the driver of the limousine is separated from the passengers by partition or other  
792 means approved by the department; and
- 793 (iii) the limousine is not located on the capitol hill complex.

794 (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic  
795 product on the chartered bus:

- 796 (i) (A) but may consume only during travel to a specified destination of the chartered  
797 bus and not during travel back to the place where the travel begins; or
- 798 (B) if the travel of the chartered bus begins and ends at:
  - 799 (I) the residence of the passenger;
  - 800 (II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or

801 (III) the temporary domicile of the passenger;  
802 (ii) if the chartered bus has a nondrinking designee other than the driver traveling on  
803 the chartered bus to monitor consumption; and  
804 (iii) if the chartered bus is not located on the capitol hill complex.  
805 (5) A person may bring onto any premises, possess, and consume an alcoholic product  
806 at a private event.

807 (6) Notwithstanding Subsection (5), private and public facilities may prohibit the  
808 possession or consumption of alcohol on their premises.

809 (7) The restrictions of Subsections (2) and (3) apply to a resort licensee or hotel  
810 licensee or person operating under a sublicense in relationship to:

811 (a) the boundary of a resort building, as defined in Section 32B-8-102, or the boundary  
812 of a hotel, as defined in Section 32B-8b-102, in an area that is open to the public; or

813 (b) except as provided in Subsection (4), sublicensed premises.

814 Section 9. Section **36-2-2** is amended to read:

815 **36-2-2. Salaries and expenses of members -- Compensation of in-session**  
816 **employees.**

817 (1) (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and  
818 in each odd-numbered year after that year, members of the Legislature shall receive a salary  
819 equal to the amount recommended by the Legislative Compensation Commission in the last  
820 report issued by the commission in the previous even-numbered year.

821 (b) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in  
822 each odd-numbered year after that year, members of the Legislature shall receive a salary for  
823 attendance at a veto-override, special session, and other authorized legislative meetings equal  
824 to the amount recommended by the Legislative Compensation Commission in the last report  
825 issued by the commission in the previous even-numbered year.

826 (2) (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and  
827 in each odd-numbered year after that year, the president of the Senate and the speaker of the  
828 House of Representatives shall receive a salary equal to the amount recommended by the  
829 Legislative Compensation Commission in the last report issued by the commission in the  
830 previous even-numbered year.

831 (b) Beginning in 2001 and in each odd-numbered year after that year, the majority and

832 minority leadership of each [~~house~~] chamber shall receive a salary equal to the amount  
833 recommended by the Legislative Compensation Commission in the last report issued by the  
834 commission in the previous even-numbered year.

835 (3) The Legislature shall:

836 (a) establish, by joint rule of the Legislature, the expenses of its members; and

837 (b) ensure that the rules governing expenses are based upon:

838 (i) payment of necessary expenses for attendance during legislative sessions;

839 (ii) a mileage allowance; and

840 (iii) reimbursement for other expenses involved in the performance of legislative  
841 duties.

842 [~~(4) (a) The Legislature shall establish the compensation of in-session employees by  
843 joint resolution at each session of the Legislature.]~~

844 [~~(b) For necessary work done by in-session employees of the Legislature after the  
845 adjournment of a session, the presiding officer of the house employing that work shall approve  
846 payment for the work.]~~

847 Section 10. Section **36-11-102** is amended to read:

848 **36-11-102. Definitions.**

849 As used in this chapter:

850 (1) "Aggregate daily expenditures" means:

851 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
852 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
853 an individual public official;

854 (b) for an expenditure made by a member of a lobbyist group, the total of all  
855 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
856 of an individual public official; or

857 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient  
858 lobbyist within a calendar day for the benefit of an individual public official, regardless of  
859 whether the expenditures were attributed to different clients.

860 (2) "Approved activity" means an event, a tour, or a meeting:

861 (a) (i) to which a legislator or another nonexecutive branch public official is invited;

862 and

- 863 (ii) attendance at which is approved by:
- 864 (A) the speaker of the House of Representatives, if the public official is a member of
- 865 the House of Representatives or another nonexecutive branch public official; or
- 866 (B) the president of the Senate, if the public official is a member of the Senate or
- 867 another nonexecutive branch public official; or
- 868 (b) (i) to which a public official who holds a position in the executive branch of state
- 869 government is invited; and
- 870 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 871 (3) "Board of education" means:
- 872 (a) a local school board described in Title 53G, Chapter 4, School Districts;
- 873 (b) the State Board of Education;
- 874 (c) the State Charter School Board created under Section 53G-5-201; or
- 875 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
- 876 Schools.
- 877 (4) "Capitol hill complex" means [~~the same as that term is defined in Section~~
- 878 ~~63C-9-102~~] capitol hill, as defined in Section 63O-1-101.
- 879 (5) (a) "Compensation" means anything of economic value, however designated, that is
- 880 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
- 881 services or ownership before any withholding required by federal or state law.
- 882 (b) "Compensation" includes:
- 883 (i) a salary or commission;
- 884 (ii) a bonus;
- 885 (iii) a benefit;
- 886 (iv) a contribution to a retirement program or account;
- 887 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
- 888 Code, and subject to social security deductions, including a payment in excess of the maximum
- 889 amount subject to deduction under social security law;
- 890 (vi) an amount that the individual authorizes to be deducted or reduced for salary
- 891 deferral or other benefits authorized by federal law; or
- 892 (vii) income based on an individual's ownership interest.
- 893 (6) "Compensation payor" means a person who pays compensation to a public official

894 in the ordinary course of business:

895 (a) because of the public official's ownership interest in the compensation payor; or

896 (b) for services rendered by the public official on behalf of the compensation payor.

897 (7) "Education action" means:

898 (a) a resolution, policy, or other official action for consideration by a board of  
899 education;

900 (b) a nomination or appointment by an education official or a board of education;

901 (c) a vote on an administrative action taken by a vote of a board of education;

902 (d) an adjudicative proceeding over which an education official has direct or indirect  
903 control;

904 (e) a purchasing or contracting decision;

905 (f) drafting or making a policy, resolution, or rule;

906 (g) determining a rate or fee; or

907 (h) making an adjudicative decision.

908 (8) "Education official" means:

909 (a) a member of a board of education;

910 (b) an individual appointed to or employed in a position under a board of education, if  
911 that individual:

912 (i) occupies a policymaking position or makes purchasing or contracting decisions;

913 (ii) drafts resolutions or policies or drafts or makes rules;

914 (iii) determines rates or fees;

915 (iv) makes decisions relating to an education budget or the expenditure of public  
916 money; or

917 (v) makes adjudicative decisions; or

918 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).

919 (9) "Event" means entertainment, a performance, a contest, or a recreational activity  
920 that an individual participates in or is a spectator at, including a sporting event, an artistic  
921 event, a play, a movie, dancing, or singing.

922 (10) "Executive action" means:

923 (a) a nomination or appointment by the governor;

924 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule

925 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

926 (c) agency ratemaking proceedings; or

927 (d) an adjudicative proceeding of a state agency.

928 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when  
929 given to or for the benefit of a public official unless consideration of equal or greater value is  
930 received:

931 (i) a purchase, payment, or distribution;

932 (ii) a loan, gift, or advance;

933 (iii) a deposit, subscription, or forbearance;

934 (iv) services or goods;

935 (v) money;

936 (vi) real property;

937 (vii) a ticket or admission to an event; or

938 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
939 any item listed in Subsections (11)(a)(i) through (vii).

940 (b) "Expenditure" does not mean:

941 (i) a commercially reasonable loan made in the ordinary course of business;

942 (ii) a campaign contribution:

943 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial  
944 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance  
945 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or

946 (B) lawfully given to a person that is not required to report the contribution under a law  
947 or ordinance described in Subsection (11)(b)(ii)(A);

948 (iii) printed informational material that is related to the performance of the recipient's  
949 official duties;

950 (iv) a devise or inheritance;

951 (v) any item listed in Subsection (11)(a) if:

952 (A) given by a relative;

953 (B) given by a compensation payor for a purpose solely unrelated to the public  
954 official's position as a public official;

955 (C) the item is food or beverage with a value that does not exceed the food

956 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
957 the food reimbursement rate; or

958 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
959 daily expenditures do not exceed \$10;

960 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the  
961 following are invited:

962 (A) all members of the Legislature;

963 (B) all members of a standing or interim committee;

964 (C) all members of an official legislative task force;

965 (D) all members of a party caucus; or

966 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who  
967 are attending a meeting of a national organization whose primary purpose is addressing general  
968 legislative policy;

969 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public  
970 official who is:

971 (A) giving a speech at the event, tour, or meeting;

972 (B) participating in a panel discussion at the event, tour, or meeting; or

973 (C) presenting or receiving an award at the event, tour, or meeting;

974 (viii) a plaque, commendation, or award that:

975 (A) is presented in public; and

976 (B) has the name of the individual receiving the plaque, commendation, or award  
977 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or  
978 award;

979 (ix) a gift that:

980 (A) is an item that is not consumable and not perishable;

981 (B) a public official, other than a local official or an education official, accepts on  
982 behalf of the state;

983 (C) the public official promptly remits to the state;

984 (D) a property administrator does not reject under Section 63G-23-103;

985 (E) does not constitute a direct benefit to the public official before or after the public  
986 official remits the gift to the state; and



987 (F) after being remitted to the state, is not transferred, divided, distributed, or used to  
988 distribute a gift or benefit to one or more public officials in a manner that would otherwise  
989 qualify the gift as an expenditure if the gift were given directly to a public official;

990 (x) any of the following with a cash value not exceeding \$30:

991 (A) a publication; or

992 (B) a commemorative item;

993 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of  
994 which is:

995 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign  
996 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section  
997 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);

998 (B) to solicit a campaign contribution that a person is not required to report under a law  
999 or ordinance described in Subsection (11)(b)(xi)(A); or

1000 (C) charitable solicitation, as defined in Section 13-22-2;

1001 (xii) travel to, lodging at, food or beverage served at, and admission to an approved  
1002 activity;

1003 (xiii) sponsorship of an approved activity;

1004 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to  
1005 or from an event, a tour, or a meeting:

1006 (A) that is sponsored by a governmental entity;

1007 (B) that is widely attended and related to a governmental duty of a public official;

1008 (C) for a local official, that is sponsored by an organization that represents only local  
1009 governments, including the Utah Association of Counties, the Utah League of Cities and  
1010 Towns, or the Utah Association of Special Districts; or

1011 (D) for an education official, that is sponsored by a public school, a charter school, or  
1012 an organization that represents only public schools or charter schools, including the Utah  
1013 Association of Public Charter Schools, the Utah School Boards Association, or the Utah  
1014 School Superintendents Association; or

1015 (xv) travel to a widely attended tour or meeting related to a governmental duty of a  
1016 public official if that travel results in a financial savings to:

1017 (A) for a public official who is not a local official or an education official, the state; or

1018 (B) for a public official who is a local official or an education official, the local  
1019 government or board of education to which the public official belongs.

1020 (12) "Food reimbursement rate" means the total amount set by the director of the  
1021 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an  
1022 employee of the executive branch, for an entire day.

1023 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract  
1024 with a foreign government.

1025 (b) "Foreign agent" does not include an individual who is recognized by the United  
1026 States Department of State as a duly accredited diplomatic or consular officer of a foreign  
1027 government, including a duly accredited honorary consul.

1028 (14) "Foreign government" means a government other than the government of:

1029 (a) the United States;

1030 (b) a state within the United States;

1031 (c) a territory or possession of the United States; or

1032 (d) a political subdivision of the United States.

1033 (15) (a) "Government officer" means:

1034 (i) an individual elected to a position in state or local government, when acting in the  
1035 capacity of the state or local government position;

1036 (ii) an individual elected to a board of education, when acting in the capacity of a  
1037 member of a board of education;

1038 (iii) an individual appointed to fill a vacancy in a position described in Subsection  
1039 (15)(a)(i) or (ii), when acting in the capacity of the position; or

1040 (iv) an individual appointed to or employed in a full-time position by state government,  
1041 local government, or a board of education, when acting in the capacity of the individual's  
1042 appointment or employment.

1043 (b) "Government officer" does not mean a member of the legislative branch of state  
1044 government.

1045 (16) "Immediate family" means:

1046 (a) a spouse;

1047 (b) a child residing in the household; or

1048 (c) an individual claimed as a dependent for tax purposes.

- 1049 (17) "Legislative action" means:
- 1050 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
- 1051 proposed in either house of the Legislature or its committees or requested by a legislator; and
- 1052 (b) the action of the governor in approving or vetoing legislation.
- 1053 (18) "Lobbying" means communicating with a public official for the purpose of
- 1054 influencing a legislative action, executive action, local action, or education action.
- 1055 (19) (a) "Lobbyist" means:
- 1056 (i) an individual who is employed by a principal; or
- 1057 (ii) an individual who contracts for economic consideration, other than reimbursement
- 1058 for reasonable travel expenses, with a principal to lobby a public official.
- 1059 (b) "Lobbyist" does not include:
- 1060 (i) a government officer;
- 1061 (ii) a member or employee of the legislative branch of state government;
- 1062 (iii) a person, including a principal, while appearing at, or providing written comments
- 1063 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative
- 1064 Rulemaking Act, or Title 63G, Chapter 4, Administrative Procedures Act;
- 1065 (iv) a person participating on or appearing before an advisory or study task force,
- 1066 commission, board, or committee, constituted by the Legislature, a local government, a board
- 1067 of education, or any agency or department of state government, except legislative standing,
- 1068 appropriation, or interim committees;
- 1069 (v) a representative of a political party;
- 1070 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 1071 the right to practice the religious doctrines of the church, unless the individual or church makes
- 1072 an expenditure that confers a benefit on a public official;
- 1073 (vii) a newspaper, television station or network, radio station or network, periodical of
- 1074 general circulation, or book publisher for the purpose of publishing news items, editorials,
- 1075 other comments, or paid advertisements that directly or indirectly urge legislative action,
- 1076 executive action, local action, or education action;
- 1077 (viii) an individual who appears on the individual's own behalf before a committee of
- 1078 the Legislature, an agency of the executive branch of state government, a board of education,
- 1079 the governing body of a local government, a committee of a local government, or a committee

1080 of a board of education, solely for the purpose of testifying in support of or in opposition to  
1081 legislative action, executive action, local action, or education action; or

1082 (ix) an individual representing a business, entity, or industry, who:

1083 (A) interacts with a public official, in the public official's capacity as a public official,  
1084 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
1085 interaction or while presenting at a legislative committee meeting at the same time that the  
1086 registered lobbyist is attending another legislative committee meeting; and

1087 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
1088 interaction or during the period of interaction.

1089 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
1090 any combination of lobbyists, principals, and government officers, who each contribute a  
1091 portion of an expenditure made to benefit a public official or member of the public official's  
1092 immediate family.

1093 (21) "Local action" means:

1094 (a) an ordinance or resolution for consideration by a local government;

1095 (b) a nomination or appointment by a local official or a local government;

1096 (c) a vote on an administrative action taken by a vote of a local government's  
1097 legislative body;

1098 (d) an adjudicative proceeding over which a local official has direct or indirect control;

1099 (e) a purchasing or contracting decision;

1100 (f) drafting or making a policy, resolution, or rule;

1101 (g) determining a rate or fee; or

1102 (h) making an adjudicative decision.

1103 (22) "Local government" means:

1104 (a) a county, city, town, or metro township;

1105 (b) a special district governed by Title 17B, Limited Purpose Local Government  
1106 Entities - Special Districts;

1107 (c) a special service district governed by Title 17D, Chapter 1, Special Service District  
1108 Act;

1109 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local  
1110 Government Entities - Community Reinvestment Agency Act;

1111 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

1112 (f) a redevelopment agency; or

1113 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter

1114 13, Interlocal Cooperation Act.

1115 (23) "Local official" means:

1116 (a) an elected member of a local government;

1117 (b) an individual appointed to or employed in a position in a local government if that

1118 individual:

1119 (i) occupies a policymaking position or makes purchasing or contracting decisions;

1120 (ii) drafts ordinances or resolutions or drafts or makes rules;

1121 (iii) determines rates or fees; or

1122 (iv) makes adjudicative decisions; or

1123 (c) an immediate family member of an individual described in Subsection (23)(a) or

1124 (b).

1125 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or

1126 make a decision, including a conference, seminar, or summit.

1127 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer

1128 who represents two or more clients and divides the aggregate daily expenditure made to benefit

1129 a public official or member of the public official's immediate family between two or more of

1130 those clients.

1131 (26) "Principal" means a person that employs an individual to perform lobbying, either

1132 as an employee or as an independent contractor.

1133 (27) "Public official" means:

1134 (a) (i) a member of the Legislature;

1135 (ii) an individual elected to a position in the executive branch of state government; or

1136 (iii) an individual appointed to or employed in a position in the executive or legislative

1137 branch of state government if that individual:

1138 (A) occupies a policymaking position or makes purchasing or contracting decisions;

1139 (B) drafts legislation or makes rules;

1140 (C) determines rates or fees; or

1141 (D) makes adjudicative decisions;

- 1142 (b) an immediate family member of a person described in Subsection (27)(a);  
1143 (c) a local official; or  
1144 (d) an education official.
- 1145 (28) "Public official type" means a notation to identify whether a public official is:  
1146 (a) (i) a member of the Legislature;  
1147 (ii) an individual elected to a position in the executive branch of state government;  
1148 (iii) an individual appointed to or employed in a position in the legislative branch of  
1149 state government who meets the definition of public official under Subsection (27)(a)(iii);  
1150 (iv) an individual appointed to or employed in a position in the executive branch of  
1151 state government who meets the definition of public official under Subsection (27)(a)(iii);  
1152 (v) a local official, including a description of the type of local government for which  
1153 the individual is a local official; or  
1154 (vi) an education official, including a description of the type of board of education for  
1155 which the individual is an education official; or  
1156 (b) an immediate family member of an individual described in Subsection (27)(a), (c),  
1157 or (d).
- 1158 (29) "Quarterly reporting period" means the three-month period covered by each  
1159 financial report required under Subsection 36-11-201(2)(a).
- 1160 (30) "Related person" means a person, agent, or employee who knowingly and  
1161 intentionally assists a lobbyist, principal, or government officer in lobbying.
- 1162 (31) "Relative" means:  
1163 (a) a spouse;  
1164 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,  
1165 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or  
1166 (c) a spouse of an individual described in Subsection (31)(b).
- 1167 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public  
1168 official, and not primarily for entertainment, including:  
1169 (a) viewing a facility;  
1170 (b) viewing the sight of a natural disaster; or  
1171 (c) assessing a circumstance in relation to which a public official may need to take  
1172 action within the scope of the public official's duties.

1173 Section 11. Section **36-12-1** is amended to read:

1174 **36-12-1. Definitions.**

1175 As used in this chapter:

1176 ~~[(1) (a) "Interim committees" means legislative committees that are formed from the~~  
 1177 ~~membership of each house to function between sessions of the Legislature in order to study~~  
 1178 ~~subjects of legislative concern.]~~

1179 ~~[(b) "Interim committees" includes a commission, committee, council, task force,~~  
 1180 ~~board, or panel, in which legislative participation is required by law, which committee~~  
 1181 ~~functions between sessions of the Legislature.]~~

1182 (1) "Interim committee" means the same as that term is defined in legislative rule.

1183 (2) "Legislative director" means the director of the Office of Legislative Research and  
 1184 General Counsel, the legislative fiscal analyst, or the legislative auditor general.

1185 (3) "Major political party" means either of the two political parties having the greatest  
 1186 number of members elected to the two ~~[houses]~~ chambers of the Legislature.

1187 (4) "Professional legislative staff" means the legislative directors and the members of  
 1188 their staffs.

1189 ~~[(5) "Standing committees" means legislative committees organized under the rules of~~  
 1190 ~~each house of the Legislature for the duration of the legislative biennial term to consider~~  
 1191 ~~proposed legislation. As used in this chapter, "standing committees" excludes appropriations~~  
 1192 ~~committees, appropriations subcommittees, and rules committees.]~~

1193 (5) "Standing committee" means a Senate or House committee established under  
 1194 Senate or House rule for the purpose of considering proposed legislation.

1195 Section 12. Section **36-12-6** is amended to read:

1196 **36-12-6. Permanent committees -- House and Senate management -- Members --**  
 1197 **Chair -- Legislative Management Committee -- Membership -- Chair and vice-chair --**  
 1198 **Meetings -- Quorum.**

1199 (1) There are hereby established as permanent committees of the Legislature a House  
 1200 Management Committee and a Senate Management Committee. The House Management  
 1201 Committee shall consist of eight members of the House of Representatives, four from each  
 1202 major political party. The membership shall include the elected leadership of the House of  
 1203 Representatives and additional members chosen at the beginning of each annual general

1204 session by the minority party caucus as needed to complete the full membership. The chair of  
1205 the committee shall be the speaker of the House of Representatives or the speaker's designee.  
1206 The Senate Management Committee shall consist of eight members of the Senate, four from  
1207 each major political party. The membership shall include the elected leadership of the Senate  
1208 and additional members chosen at the beginning of each annual general session by the  
1209 appropriate party caucus as needed to complete the full membership. The chair of the  
1210 committee shall be the president of the Senate or the president's designee.

1211 (2) (a) There is established a permanent committee of the Legislature known as the  
1212 Legislative Management Committee.

1213 (b) The committee shall consist of:

1214 (i) the members of the House Management Committee; and

1215 (ii) the members of the Senate Management Committee.

1216 (c) (i) The president of the Senate or the president's designee shall be chair during  
1217 1987, and the speaker of the House of Representatives or the speaker's designee shall be  
1218 vice-chair of the committee during that year.

1219 (ii) The positions of chair and vice-chair of the Legislative Management Committee  
1220 shall rotate annually between these two officers in succeeding years.

1221 (d) The committee shall meet as often as is necessary to perform its duties, but not less  
1222 than once each quarter.

1223 (e) If any vote of the committee results in a tie, the president of the Senate and speaker  
1224 of the House of Representatives may together cast an additional vote to break the tie.

1225 (3) If a legislator declines membership on the committees established by this section,  
1226 or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party  
1227 of the ~~[house]~~ chamber in which the vacancy occurs.

1228 (4) The committees established by this section shall meet not later than 60 days after  
1229 the adjournment sine die of the annual general session held in even-numbered years and not  
1230 later than 30 days after the adjournment sine die of the annual general session held in  
1231 odd-numbered years for the purpose of effecting their organization and prescribing rules and  
1232 policies pertaining to their respective powers and duties. A majority of the members of each  
1233 committee constitutes a quorum, and a majority of a quorum has authority to act in any matter  
1234 falling within the jurisdiction of the committee.



1235 Section 13. Section **36-12-7** is amended to read:

1236 **36-12-7. Legislative Management Committee -- Duties -- Litigation.**

1237 (1) The Senate or House Management Committee shall:

1238 (a) receive legislative resolutions directing studies on legislative matters and may  
1239 assign these studies to the appropriate interim committee of its ~~[house]~~ chamber;

1240 (b) assign to interim committees of the same ~~[house]~~ chamber, matters of legislative  
1241 study not specifically contained in a legislative resolution but considered significant to the  
1242 welfare of the state;

1243 (c) receive requests from interim committees of its ~~[house]~~ chamber for matters to be  
1244 included on the study agenda of the requesting committee. Appropriate bases for denying a  
1245 study include inadequate funding to properly complete the study or duplication of the work;

1246 (d) establish a budget account for interim committee day as designated by Legislative  
1247 Management Committee and for all other legislative committees of its ~~[house]~~ chamber and  
1248 allocate to that account sufficient funds to adequately provide for the work of the committee;  
1249 and

1250 (e) designate the time and place for periodic meetings of the interim committees.

1251 (2) To maximize the use of legislators' available time, the Senate and House  
1252 Management Committees should attempt to schedule the committee meetings of their  
1253 respective ~~[houses]~~ chambers during the same one or two-day period each month. This does not  
1254 preclude an interim committee from meeting at any time it determines necessary to complete its  
1255 business.

1256 (3) ~~(a)~~ The Legislative Management Committee shall:

1257 ~~[(a) employ]~~

1258 ~~(i) appoint~~, after recommendation of the appropriate subcommittee of the Legislative  
1259 Management Committee, without regard to political affiliation, and subject to approval of a  
1260 majority vote of both ~~[houses, persons]~~ chambers, individuals qualified for the positions of  
1261 director of the Office of Legislative Research and General Counsel, legislative fiscal analyst,  
1262 legislative general counsel, and legislative auditor general~~[- Appointments to these positions  
1263 shall be for terms of six years subject to renewal under the same procedure as the original  
1264 appointment. A person may be removed from any of these offices before the expiration of the  
1265 person's term only by a majority vote of both houses of the Legislature or by a two-thirds vote~~

1266 ~~of the management committee for such causes as inefficiency, incompetency, failure to~~  
1267 ~~maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or~~  
1268 ~~nonfeasance in office. If a vacancy occurs in any of these offices after adjournment of the~~  
1269 ~~Legislature, the committee shall appoint an individual to fill the vacancy until such time as the~~  
1270 ~~person is approved or rejected by majority vote of the next session of the Legislature];~~

1271       ~~[(b)]~~ (ii) develop policies for personnel management, compensation, and training of all  
1272 professional legislative staff;

1273       ~~[(c)]~~ (iii) develop a policy within the limits of legislative appropriation for the  
1274 authorization and payment to legislators of compensation and travel expenses, including  
1275 out-of-state travel;

1276       ~~[(d)]~~ (iv) approve special study budget requests of the legislative directors; and

1277       ~~[(e)]~~ (v) assist the speaker-elect of the House of Representatives and the president-elect  
1278 of the Senate, upon selection by their majority party caucus, to organize their respective  
1279 ~~[houses]~~ chambers of the Legislature and assume the direction of the operation of the  
1280 Legislature in the forthcoming annual general session.

1281       (b) (i) (A) An appointment under Subsection (3)(a)(i) is for a six-year term, subject to  
1282 renewal by a majority vote of the Legislative Management Committee.

1283       (B) Each renewal is for an additional six-year term and is not subject to approval by the  
1284 Legislature.

1285       (ii) The Legislature by a majority vote of both chambers or the Legislative  
1286 Management Committee by a two-thirds vote may remove an individual appointed under this  
1287 Subsection (3) before the expiration of the individual's term for such causes as inefficiency,  
1288 incompetency, failure to maintain skills or adequate performance levels, insubordination,  
1289 misfeasance, malfeasance, or nonfeasance in office.

1290       (c) If a vacancy occurs in a position appointed under this Subsection (3), the  
1291 Legislative Management Committee shall appoint an individual to fill the vacancy until the  
1292 Legislature approves or rejects the individual's appointment by a majority vote of both  
1293 chambers.

1294       (4) (a) The Legislature delegates to the Legislative Management Committee the  
1295 authority, by means of a majority vote of the committee, to direct the legislative general  
1296 counsel in matters involving the Legislature's participation in litigation.

1297 (b) The Legislature has an unconditional right to intervene in a state court action and  
1298 may provide evidence or argument, written or oral, if a party to that court action challenges:

1299 (i) the constitutionality of a state statute;

1300 (ii) the validity of legislation; or

1301 (iii) any action of the Legislature.

1302 (c) In a federal court action that challenges the constitutionality of a state statute, the  
1303 validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to  
1304 file an amicus brief, or to present argument in accordance with federal rules of procedure.

1305 (d) Intervention by the Legislature pursuant to Subsection (4)(b) or (c) does not limit  
1306 the duty of the attorney general to appear and prosecute legal actions or defend state agencies,  
1307 officers or employees as otherwise provided by law.

1308 (e) In any action in which the Legislature intervenes or participates, legislative counsel  
1309 and the attorney general shall function independently from each other in the representation of  
1310 their respective clients.

1311 (f) The attorney general shall notify the legislative general counsel of a claim in  
1312 accordance with Subsection 67-5-1(1)(y).

1313 Section 14. Section **36-12-8** is amended to read:

1314 **36-12-8. Legislative Management Committee -- Research and General Counsel**  
1315 **Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members --**  
1316 **Meetings.**

1317 (1) There are created within the Legislative Management Committee:

1318 (a) the Research and General Counsel Subcommittee;

1319 (b) the Budget Subcommittee; and

1320 (c) the Audit Subcommittee.

1321 ~~[(2)(a) The Research and General Counsel Subcommittee, comprising six members,~~  
1322 ~~shall recommend to the Legislative Management Committee a person or persons to hold the~~  
1323 ~~positions of director of the Office of Legislative Research and General Counsel and legislative~~  
1324 ~~general counsel.]~~

1325 ~~[(b) The Budget Subcommittee, comprising six members, shall recommend to the~~  
1326 ~~Legislative Management Committee a person to hold the position of legislative fiscal analyst.]~~

1327 (2) (a) The Research and General Counsel Subcommittee shall comprise:

1328 (i) the president, majority leader, and minority leader of the Senate; and  
1329 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1330 (b) The Research and General Counsel Subcommittee shall recommend to the  
1331 Legislative Management Committee a person or persons to hold the positions of director of the  
1332 Office of Legislative Research and General Counsel and legislative general counsel.

1333 (3) (a) The Budget Subcommittee shall comprise:

1334 (i) the president, majority leader, and minority leader of the Senate; and  
1335 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1336 (b) The Budget Subcommittee shall recommend to the Legislative Management  
1337 Committee a person to hold the position of legislative fiscal analyst.

1338 ~~[(e)]~~ (4) (a) The Audit Subcommittee shall comprise:

1339 (i) the president, majority leader, and minority leader of the Senate; and  
1340 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1341 ~~[(d)]~~ (b) The Audit Subcommittee shall:

1342 (i) recommend to the Legislative Management Committee a person to hold the position  
1343 of legislative auditor general; and

1344 (ii) (A) review all requests for audits;

1345 (B) prioritize those requests;

1346 (C) hear all audit reports and refer those reports to other legislative committees for  
1347 their further review and action as appropriate; and

1348 (D) when notified by the legislative auditor general or state auditor that a subsequent  
1349 audit has found that an entity has not implemented a previous audit recommendation, refer the  
1350 audit report to an appropriate legislative committee and also ensure that an appropriate  
1351 legislative committee conducts a review of the entity that has not implemented the previous  
1352 audit recommendation.

1353 ~~[(3) The members of each subcommittee of the Legislative Management Committee,~~  
1354 ~~other than the Audit Subcommittee, shall have equal representation from each major political~~  
1355 ~~party and shall be appointed from the membership of the Legislative Management Committee~~  
1356 ~~by an appointments committee comprised of the speaker and the minority leader of the House~~  
1357 ~~of Representatives and the president and the minority leader of the Senate.]~~

1358 ~~[(4)]~~ (5) Each subcommittee of the Legislative Management Committee:

1359 (a) shall meet as often as necessary to perform its duties; and

1360 (b) may meet during and between legislative sessions.

1361 Section 15. Section **36-12-8.1** is amended to read:

1362 **36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight --**

1363 **Members -- Duties -- Meetings.**

1364 (1) There is created within the Legislative Management Committee a Subcommittee on  
1365 Oversight comprised of the following members:

1366 (a) from the Senate:

1367 (i) the president;

1368 (ii) the majority leader;

1369 (iii) the minority leader; and

1370 (iv) the minority whip;

1371 (b) from the House of Representatives:

1372 (i) the speaker;

1373 (ii) the majority leader;

1374 (iii) the minority leader; and

1375 (iv) the minority whip.

1376 (2) The Subcommittee on Oversight shall[:]

1377 [~~(a)~~] ~~meet no later than November 1 of each year to review and approve the budget for~~

1378 the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General

1379 Counsel, and the Office of the Legislative Auditor General[; ~~and~~].

1380 [~~(b)~~] ~~provide an annual performance review for the legislative fiscal analyst, the director~~

1381 of the Office of Legislative Research and General Counsel, the legislative general counsel, and

1382 the legislative auditor general.]

1383 [~~(3)~~] (a) ~~This subcommittee shall meet no later than:]~~

1384 [(i) ~~June 1st of each year to receive and evaluate the results of the annual performance~~

1385 ~~reviews; and]~~

1386 [(ii) ~~November 1st of each year to review and approve the budgets of the Office of the~~

1387 ~~Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the~~

1388 ~~Office of the Legislative Auditor General.]~~

1389 [(b) ~~This subcommittee may meet at other times as often as necessary to perform its~~

1390 duties.]

1391 Section 16. Section **36-12-9.5** is amended to read:

1392 **36-12-9.5. Obstructing a legislative proceeding.**

1393 (1) As used in this section, "legislative proceeding" means an investigation or audit  
1394 conducted by:

1395 (a) the Legislature, or a [~~house~~] chamber, committee, subcommittee, or task force of  
1396 the Legislature; or

1397 (b) an employee or independent contractor of an entity described in Subsection (1)(a),  
1398 at or under the direction of an entity described in Subsection (1)(a).

1399 (2) Except as described in Subsection (3), a person is guilty of a class A misdemeanor  
1400 if the person, with intent to hinder, delay, or prevent a legislative proceeding:

1401 (a) provides a person with a weapon;

1402 (b) prevents a person, by force, intimidation, or deception, from performing any act  
1403 that might aid the legislative proceeding;

1404 (c) alters, destroys, conceals, or removes any item or other thing;

1405 (d) makes, presents, or uses an item, document, or thing known by the person to be  
1406 false;

1407 (e) makes a false material statement, not under oath, to:

1408 (i) the Legislature, or a [~~house~~] chamber, committee, subcommittee, or task force of the  
1409 Legislature; or

1410 (ii) an employee or independent contractor of an entity described in Subsection  
1411 (2)(e)(i);

1412 (f) harbors or conceals a person;

1413 (g) provides a person with transportation, disguise, or other means of avoiding  
1414 discovery or service of process;

1415 (h) warns any person of impending discovery or service of process;

1416 (i) conceals an item, information, document, or thing that is not privileged after a  
1417 legislative subpoena is issued for the item, information, document, or thing; or

1418 (j) provides false information regarding a witness or a material aspect of the legislative  
1419 proceeding.

1420 (3) Subsection (2) does not include:

- 1421 (a) false or inconsistent material statements, as described in Section 76-8-502;
- 1422 (b) tampering with a witness or soliciting or receiving a bribe, as described in Section
- 1423 76-8-508;
- 1424 (c) retaliation against a witness, victim, or informant, as described in Section
- 1425 76-8-508.3; or
- 1426 (d) extortion or bribery to dismiss a criminal proceeding, as described in Section
- 1427 76-8-509.

1428 Section 17. Section **36-12-19** is amended to read:

1429 **36-12-19. Investigatory powers of the Legislature.**

1430 In the discharge of its legislative investigatory powers, the Legislature, or either [~~house~~]

1431 chamber or any committee thereof, may:

- 1432 (1) administer oaths; and
- 1433 (2) issue subpoenas, compel the attendance of witnesses and the production of any
- 1434 papers, books, accounts, documents, other tangible things, and testimony, by following the
- 1435 procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

1436 Section 18. Section **41-6a-1401** is amended to read:

1437 **41-6a-1401. Standing or parking vehicles -- Restrictions and exceptions.**

1438 (1) Except when necessary to avoid conflict with other traffic, or in compliance with

1439 law, the directions of a peace officer, or a traffic-control device, a person may not:

- 1440 (a) stop, stand, or park a vehicle:
  - 1441 (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - 1442 (ii) on a sidewalk;
  - 1443 (iii) within an intersection;
  - 1444 (iv) on a crosswalk;
  - 1445 (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb
  - 1446 immediately opposite the ends of a safety zone, unless a different length is indicated by signs or
  - 1447 markings;
  - 1448 (vi) alongside or opposite any street excavation or obstruction when stopping, standing,
  - 1449 or parking would obstruct traffic;
  - 1450 (vii) on any bridge or other elevated structure, on a highway, or within a highway
  - 1451 tunnel;

- 1452 (viii) on any railroad tracks;
- 1453 (ix) on any controlled-access highway;
- 1454 (x) in the area between roadways of a divided highway, including crossovers; or
- 1455 (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
- 1456 (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or
- 1457 discharge a passenger or passengers:
  - 1458 (i) in front of a public or private driveway;
  - 1459 (ii) within 15 feet of a fire hydrant;
  - 1460 (iii) within 20 feet of a crosswalk;
  - 1461 (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or
  - 1462 traffic-control signal located at the side of a roadway;
  - 1463 (v) within 20 feet of the driveway entrance to any fire station and on the side of a street
  - 1464 opposite the entrance to any fire station within 75 feet of the entrance when properly
  - 1465 signposted;
  - 1466 (vi) at any place where a traffic-control device prohibits standing; or
  - 1467 (vii) at ~~[the capitol hill complex as defined in Section 63C-9-102]~~ capitol hill, as
  - 1468 defined in Section 63O-1-101, in a parking space identified as reserved for specific users,
  - 1469 without:
    - 1470 (A) approval by the executive director of the State Capitol Preservation Board created
    - 1471 in Section ~~[63C-9-201]~~ 63O-2-201; and
    - 1472 (B) a properly displayed placard or other identifying marker approved by the executive
    - 1473 director of the State Capitol Preservation Board to indicate this approval; or
    - 1474 (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and
    - 1475 while actually engaged in loading or unloading property or passengers:
      - 1476 (i) within 50 feet of the nearest rail of a railroad crossing; or
      - 1477 (ii) at any place where traffic-control devices prohibit parking.
    - 1478 (2) A person may not move a vehicle that is not lawfully under the person's control into
    - 1479 any prohibited area or into an unlawful distance from the curb.
    - 1480 (3) This section does not apply to a tow truck motor carrier responding to a customer
    - 1481 service call if the tow truck motor carrier has already received authorization from the local law
    - 1482 enforcement agency in the jurisdiction where the vehicle to be towed is located.



1483 Section 19. Section **49-11-406** is amended to read:

1484 **49-11-406. Governor's appointed executives and senior staff -- Appointed**  
1485 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

1486 (1) As used in this section:

1487 (a) "Defined benefit balance" means the total amount of the contributions made on  
1488 behalf of a member to a defined benefit system plus refund interest.

1489 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
1490 executive director, or director and includes a deputy director and other similar, at-will  
1491 employee positions designated by the governor, the speaker of the House, or the president of  
1492 the Senate and filed with the Division of Human Resource Management and the Utah State  
1493 Retirement Office.

1494 (2) In accordance with this section and subject to requirements under federal law and  
1495 rules made by the board, a member who has service credit from a system may elect to be  
1496 exempt from coverage under a defined benefit system and to have the member's defined benefit  
1497 balance transferred from the defined benefit system or plan to a defined contribution plan in the  
1498 member's own name if the member is:

1499 (a) the state auditor;

1500 (b) the state treasurer;

1501 (c) an appointed executive under Subsection 67-22-2(1)(a);

1502 (d) an employee in the Governor's Office;

1503 (e) senior staff in the Governor's Office of Planning and Budget;

1504 (f) senior staff in the Governor's Office of Economic Opportunity;

1505 (g) senior staff in the State Commission on Criminal and Juvenile Justice;

1506 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section

1507 63L-11-201;

1508 (i) a legislative employee appointed under Subsection [~~36-12-7(3)(a)~~] 36-12-7(3); or

1509 (j) a legislative employee appointed by the speaker of the House of Representatives, the  
1510 House of Representatives minority leader, the president of the Senate, or the Senate minority  
1511 leader.

1512 (3) An election made under Subsection (2):

1513 (a) is final, and no right exists to make any further election;

1514 (b) is considered a request to be exempt from coverage under a defined benefits  
1515 system; and

1516 (c) shall be made on forms provided by the office.

1517 (4) The board shall adopt rules to implement and administer this section.

1518 Section 20. Section **53-1-102** is amended to read:

1519 **53-1-102. Definitions.**

1520 (1) As used in this title:

1521 (a) "Capitol hill complex" means [~~the same as that term is defined in Section~~

1522 ~~63C-9-102~~] capitol hill, as defined in Section 63O-1-101.

1523 (b) "Commissioner" means the commissioner of public safety appointed under Section  
1524 53-1-107.

1525 (c) "Department" means the Department of Public Safety created in Section 53-1-103.

1526 (d) "Governor-elect" means an individual whom the board of canvassers determines to  
1527 be the successful candidate for governor after a general election for the office of governor.

1528 (e) "Law enforcement agency" means an entity or division of:

1529 (i) (A) the federal government, a state, or a political subdivision of a state;

1530 (B) a state institution of higher education; or

1531 (C) a private institution of higher education, if the entity or division is certified by the  
1532 commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency;  
1533 and

1534 (ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes,  
1535 and ordinances.

1536 (f) "Law enforcement officer" means the same as that term is defined in Section  
1537 53-13-103.

1538 (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by  
1539 electric power obtained from overhead trolley wires, but not operated upon rails, except  
1540 motorized wheel chairs and vehicles moved solely by human power.

1541 (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,  
1542 Peace Officer Classifications.

1543 (i) "Public official" means the same as that term is defined in Section 36-11-102.

1544 (j) "State institution of higher education" means the same as that term is defined in

1545 Section 53B-3-102.

1546 (k) "Vehicle" means every device in, upon, or by which any person or property is or  
1547 may be transported or drawn upon a highway, excepting devices used exclusively upon  
1548 stationary rails or tracks.

1549 (2) The definitions provided in Subsection (1) are to be applied throughout this title in  
1550 addition to definitions that are applicable to specific chapters or parts.

1551 Section 21. Section **53-1-109** is amended to read:

1552 **53-1-109. Security for capitol complex -- Traffic and parking rules enforcement**  
1553 **for division -- Security personnel as law enforcement officers.**

1554 [~~(1)~~ As used in this section, "capitol hill facilities" and "capitol hill grounds" have the  
1555 same meaning as provided in Section ~~63C-9-102.~~]

1556 [~~(2)~~] (1) (a) The commissioner, under the direction of the State Capitol Preservation  
1557 Board, shall:

1558 (i) provide for the security of capitol hill [~~facilities and capitol hill grounds~~]; and

1559 (ii) enforce traffic provisions under Title 41, Chapter 6a, Traffic Code, and parking  
1560 rules, as adopted by the State Capitol Preservation Board, for capitol hill [~~facilities and capitol~~  
1561 ~~hill grounds~~].

1562 (b) The commissioner, in cooperation with the director of the Division of Facilities  
1563 Construction and Management shall provide for the security of all grounds and buildings under  
1564 the jurisdiction of the Division of Facilities Construction and Management.

1565 [~~(3)~~] (2) Security personnel required in Subsection [~~(2)~~] (1) shall be law enforcement  
1566 officers as defined in Section 53-13-103.

1567 [~~(4)~~] (3) Security personnel who were actively employed and had five or more years of  
1568 active service with Protective Services within the Utah Highway Patrol Division as special  
1569 function officers, as defined in Section 53-13-105, on June 29, 1996, shall become law  
1570 enforcement officers:

1571 (a) without a requirement of any additional training or examinations, if they have  
1572 completed the entire law enforcement officer training of the Peace Officers Standards and  
1573 Training Division; or

1574 (b) upon completing only the academic portion of the law enforcement officer training  
1575 of the Peace Officers Standards and Training Division.

1576 [5] (4) An officer in a supervisory position with Protective Services within the Utah  
1577 Highway Patrol Division shall be allowed to transfer the job title that the officer held on April  
1578 28, 1996, into a comparable supervisory position of employment as a peace officer for as long  
1579 as the officer remains with Protective Services within the Utah Highway Patrol Division.

1580 Section 22. Section **53-8-105** is amended to read:

1581 **53-8-105. Duties of Highway Patrol.**

1582 (1) In addition to the duties in this chapter, the Highway Patrol shall:

1583 (a) enforce the state laws and rules governing use of the state highways;

1584 (b) regulate traffic on all highways and roads of the state;

1585 (c) assist the governor in an emergency or at other times at his discretion;

1586 (d) in cooperation with federal, state, and local agencies, enforce and assist in the  
1587 enforcement of all state and federal laws related to the operation of a motor carrier on a  
1588 highway, including all state and federal rules and regulations;

1589 (e) inspect certain vehicles to determine road worthiness and safe condition as  
1590 provided in Section 41-6a-1630;

1591 (f) upon request, assist with any condition of unrest existing or developing on a campus  
1592 or related facility of an institution of higher education;

1593 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the  
1594 state liquor laws;

1595 (h) provide security and protection for both houses of the Legislature while in session  
1596 as the speaker of the House of Representatives and the president of the Senate find necessary;

1597 (i) enforce the state laws and rules governing use of [the] capitol hill [complex as  
1598 defined in Section ~~63C-9-102~~]; and

1599 (j) carry out the following for the Supreme Court and the Court of Appeals:

1600 (i) provide security and protection to those courts when in session in the capital city of  
1601 the state;

1602 (ii) execute orders issued by the courts; and

1603 (iii) carry out duties as directed by the courts.

1604 (2) (a) The division and the department shall annually:

1605 (i) evaluate the inventory of new and existing state highways, in coordination with  
1606 relevant local law enforcement agencies, to determine which law enforcement agency is best

1607 suited to patrol and enforce state laws and regulate traffic on each state highway; and  
1608 (ii) before October 1 of each year, report to the Transportation Interim Committee and  
1609 the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

1610 (A) significant changes to the patrol and enforcement responsibilities resulting from  
1611 the evaluation described in Subsection (2)(a)(i); and

1612 (B) any budget request necessary to accommodate additional patrol and enforcement  
1613 responsibilities.

1614 (b) The division and the department shall, before July 1 of each year, coordinate with  
1615 the Department of Transportation created in Section 72-1-201 regarding patrol and  
1616 enforcement responsibilities described in Subsection (2)(a) and incident management services  
1617 on state highways.

1618 Section 23. Section **53D-2-203** is amended to read:

1619 **53D-2-203. Land Trusts Protection and Advocacy Office director -- Appointment**  
1620 **-- Removal -- Power and duties.**

1621 (1) (a) The advocacy committee shall:

1622 (i) discuss candidates who may qualify for appointment as the advocacy director, as  
1623 described in Subsection (1)(b);

1624 (ii) determine the two most qualified candidates; and

1625 (iii) submit the names of those two candidates to the state treasurer as potential  
1626 appointees for the advocacy director.

1627 (b) A potential appointee for advocacy director shall have significant expertise and  
1628 qualifications relating to generating revenue to the school and institutional trust and the duties  
1629 of the advocacy office and the advocacy director, which may include expertise in:

1630 (i) business;

1631 (ii) finance;

1632 (iii) economics;

1633 (iv) natural resources; or

1634 (v) advocacy.

1635 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint  
1636 one as the advocacy director.

1637 (2) (a) An advocacy director shall serve a four-year term.

1638 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and  
1639 state treasurer shall, in accordance with Subsection (1), appoint a replacement director for a  
1640 four-year term.

1641 (3) The advocacy committee may remove the advocacy director during a meeting that  
1642 is not closed as described in Section 52-4-204, if:

1643 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and

1644 (b) a majority of a committee quorum votes to remove the advocacy director.

1645 (4) In accordance with state and federal law, the advocacy director may attend a  
1646 presentation, discussion, meeting, or other gathering related to the school and institutional trust.

1647 (5) In order to fulfill the duties of the advocacy office described in Section 53D-2-201,  
1648 the advocacy director shall:

1649 (a) maintain a direct relationship with each individual who is key to fulfilling the state's  
1650 trustee obligations and duties related to the trust;

1651 (b) facilitate open communication among key individuals described in Subsection

1652 (5)(a);

1653 (c) actively seek necessary and accurate information;

1654 (d) review and, if necessary, recommend the state auditor audit, activities involved in:

1655 (i) generating trust revenue;

1656 (ii) protecting trust assets; or

1657 (iii) distributing funds for the exclusive use of trust beneficiaries;

1658 (e) promote accurate record keeping of all records relevant to the trust and distribution  
1659 to trust beneficiaries;

1660 (f) report at least quarterly to the advocacy committee and the state treasurer on the  
1661 current activities of the advocacy office;

1662 (g) annually submit a proposed advocacy office budget to the state treasurer;

1663 (h) regarding the trust's compliance with law, and among the School and Institutional

1664 Trust Lands System as a whole, report annually to:

1665 (i) the advocacy committee;

1666 (ii) the state treasurer;

1667 (iii) the State Board of Education; and

1668 (iv) the Executive Appropriations Committee;

1669 (i) annually send a financial report regarding the relevant individual trust, and, upon  
1670 request, report in person to:

1671 (i) Utah State University, on behalf of the agricultural college trust;

1672 (ii) the University of Utah;

1673 (iii) the Utah State Hospital, on behalf of the mental hospital trust;

1674 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the institution for the  
1675 blind trust and the deaf and dumb asylum trust;

1676 (v) the youth in custody program at the State Board of Education, on behalf of the  
1677 reform school trust;

1678 (vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the  
1679 reservoir trust;

1680 (vii) the College of Mines and Earth Sciences created in Section 53B-17-401;

1681 (viii) each state teachers' college, based on the college's annual number of teacher  
1682 graduates, on behalf of the normal school trust;

1683 (ix) the Miners' Hospital described in Section 53B-17-201; and

1684 (x) the State Capitol Preservation Board, created in Section [~~63C-9-201~~] 63O-2-201,  
1685 on behalf of the public buildings trust;

1686 (j) as requested by the state treasurer, draft proposed rules and submit the proposed  
1687 rules to the advocacy committee for review;

1688 (k) in accordance with state and federal law, respond to external requests for  
1689 information about the School and Institutional Trust Lands System;

1690 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:

1691 (i) at School and Institutional Trust Lands Administration meetings;

1692 (ii) at School and Institutional Trust Fund Office meetings; and

1693 (iii) with the media;

1694 (m) review proposed legislation that affects the school and institutional trust and trust  
1695 beneficiaries and advocate for legislative change that best serves the interests of the trust  
1696 beneficiaries; and

1697 (n) educate the public regarding the School and Institutional Trust Lands System.

1698 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy  
1699 director may have access to the financial reports and other data required for a review.

1700 Section 24. Section **55-5-6** is amended to read:

1701 **55-5-6. Definitions.**

1702 As used in this chapter:

1703 (1) "Food service" includes restaurant, cafeteria, snack bar, vending machines for food  
1704 and beverages, and goods and services customarily offered in connection with them.

1705 (2) (a) "Public office building" means all county courthouses, all city or town halls, and  
1706 all buildings used primarily for governmental offices of the state or any county, city, or town.

1707 (b) "Public office building" does not include a building or other facility on capitol hill  
1708 [~~facilities as defined in Section 63C-9-102~~], as defined in Section 63O-1-101, public schools,  
1709 state colleges, or state universities.

1710 Section 25. Section **63A-5b-102** is amended to read:

1711 **63A-5b-102. Definitions.**

1712 As used in this chapter:

1713 [~~(1) "Capitol hill facilities" means the same as that term is defined in Section~~  
1714 ~~63C-9-102.~~]

1715 [~~(2) "Capitol hill grounds" means the same as that term is defined in Section~~  
1716 ~~63C-9-102.~~]

1717 (1) "Capitol hill" means the same as that term is defined in Section 63O-1-101.

1718 [~~(3)~~ (2) "Compliance agency" means the same as that term is defined in Section  
1719 15A-1-202.

1720 [~~(4)~~ (3) "Director" means the division director, appointed under Section 63A-5b-302.

1721 [~~(5)~~ (4) "Division" means the Division of Facilities Construction and Management  
1722 created in Section 63A-5b-301.

1723 [~~(6)~~ (5) "Institution of higher education" means an institution listed in Subsection  
1724 53B-2-101(1).

1725 [~~(7)~~ (6) "Trust lands administration" means the School and Institutional Trust Lands  
1726 Administration established in Section 53C-1-201.

1727 [~~(8)~~ (7) "Utah Board of Higher Education" means the Utah Board of Higher Education  
1728 established in Section 53B-1-402.

1729 Section 26. Section **63A-5b-303 (Superseded 07/01/24)** is amended to read:

1730 **63A-5b-303 (Superseded 07/01/24). Duties and authority of division.**



1731 (1) (a) The division shall:

1732 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in  
1733 accordance with legislative directive through annual appropriations acts, other legislation, or  
1734 statute, to agencies in all buildings or space owned, leased, or rented by or to the state, except  
1735 as provided in Subsection (3) or as otherwise provided by statute;

1736 (ii) assure the efficient use of all building space under the division's supervision and  
1737 control;

1738 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by  
1739 the state or an agency, as authorized by the Legislature through an appropriation act, other  
1740 legislation, or statute, subject to Subsection (1)(c);

1741 (iv) except as otherwise provided by statute, hold title to all real property, buildings,  
1742 fixtures, and appurtenances owned by the state or an agency;

1743 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing  
1744 title to or an interest in property belonging to the state or to the state's departments, except  
1745 institutions of higher education and the trust lands administration;

1746 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and

1747 (B) include in a market analysis a comparison of the division's rates and fees with the  
1748 rates and fees of other public or private sector providers of comparable services, if rates and  
1749 fees for comparable services are reasonably available;

1750 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and  
1751 Efficiency, including responsibilities:

1752 (A) to implement the state building energy efficiency program under Section  
1753 63A-5b-1002; and

1754 (B) related to the approval of loans from the State Facility Energy Efficiency Fund  
1755 under Section 63A-5b-1003;

1756 (viii) convey, lease, or dispose of the real property, water rights, or water shares  
1757 associated with the Utah State Developmental Center if directed to do so by the Utah State  
1758 Developmental Center board, as provided in Subsection 26B-6-507(2); and

1759 (ix) take all other action that the division is required to do under this chapter or other  
1760 applicable statute.

1761 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall

1762 conduct one or more studies to determine the actual needs of each agency.

1763 (c) The division may, without legislative approval, acquire title to real property for use  
1764 by the state or an agency if the acquisition cost does not exceed \$500,000.

1765 (2) The division may:

1766 (a) sue and be sued;

1767 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or  
1768 otherwise, and hold real or personal property necessary for the discharge of the division's  
1769 duties; and

1770 (c) take all other action necessary for carrying out the purposes of this chapter.

1771 (3) (a) The division may not supervise or control the allocation of space for an entity in  
1772 the public education system.

1773 ~~[(b) The supervision and control of the legislative area is reserved to the Legislature.]~~

1774 ~~[(c) The supervision and control of capitol hill facilities and capitol hill grounds is  
1775 reserved to the State Capitol Preservation Board.]~~

1776 (b) The division may not supervise or control capitol hill or any part of capitol hill.

1777 ~~[(d)]~~ (c) (i) Subject to Subsection ~~[(3)(d)(ii)]~~ (3)(c)(ii), the supervision and control of  
1778 the allocation of space for an institution of higher education is reserved to the Utah Board of  
1779 Higher Education.

1780 (ii) The Utah Board of Higher Education shall consult and cooperate with the division  
1781 in the establishment and enforcement of standards for the supervision and control of the  
1782 allocation of space for an institution of higher education.

1783 ~~[(e)]~~ (d) (i) Subject to Subsection ~~[(3)(e)(ii)]~~ (3)(d)(ii), the supervision and control of  
1784 the allocation of space for the courts of record listed in Subsection 78A-1-101(1) is reserved to  
1785 the Administrative Office of the Courts referred to in Subsection 78A-2-108(3).

1786 (ii) The Administrative Office of the Courts shall consult and cooperate with the  
1787 division in the establishment and enforcement of standards for the supervision and control of  
1788 the allocation of space for the courts of record listed in Subsection 78A-1-101(1).

1789 (4) Before the division charges a rate, fee, or other amount for a service provided by  
1790 the division's internal service fund to an executive branch agency, or to a service subscriber  
1791 other than an executive branch agency, the division shall:

1792 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee

1793 created in Section 63A-1-114; and

1794 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or  
1795 63J-1-504.

1796 Section 27. Section **63A-5b-303 (Effective 07/01/24)** is amended to read:

1797 **63A-5b-303 (Effective 07/01/24). Duties and authority of division.**

1798 (1) (a) The division shall:

1799 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in  
1800 accordance with legislative directive through annual appropriations acts, other legislation, or  
1801 statute, to agencies in all buildings or space owned, leased, or rented by or to the state, except  
1802 as provided in Subsection (3) or as otherwise provided by statute;

1803 (ii) assure the efficient use of all building space under the division's supervision and  
1804 control;

1805 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by  
1806 the state or an agency, as authorized by the Legislature through an appropriation act, other  
1807 legislation, or statute, subject to Subsection (1)(c);

1808 (iv) except as otherwise provided by statute, hold title to all real property, buildings,  
1809 fixtures, and appurtenances owned by the state or an agency;

1810 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing  
1811 title to or an interest in property belonging to the state or to the state's departments, except  
1812 institutions of higher education and the trust lands administration;

1813 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and

1814 (B) include in a market analysis a comparison of the division's rates and fees with the  
1815 rates and fees of other public or private sector providers of comparable services, if rates and  
1816 fees for comparable services are reasonably available;

1817 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and  
1818 Efficiency, including responsibilities:

1819 (A) to implement the state building energy efficiency program under Section  
1820 63A-5b-1002; and

1821 (B) related to the approval of loans from the State Facility Energy Efficiency Fund  
1822 under Section 63A-5b-1003;

1823 (viii) convey, lease, or dispose of the real property, water rights, or water shares

1824 associated with the Utah State Developmental Center if directed to do so by the Utah State  
1825 Developmental Center board, as provided in Subsection 26B-6-507(2); and

1826 (ix) take all other action that the division is required to do under this chapter or other  
1827 applicable statute.

1828 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall  
1829 conduct one or more studies to determine the actual needs of each agency.

1830 (c) The division may, without legislative approval, acquire title to real property for use  
1831 by the state or an agency if the acquisition cost does not exceed \$500,000.

1832 (2) The division may:

1833 (a) sue and be sued;

1834 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or  
1835 otherwise, and hold real or personal property necessary for the discharge of the division's  
1836 duties; and

1837 (c) take all other action necessary for carrying out the purposes of this chapter.

1838 (3) (a) The division may not supervise or control the allocation of space for an entity in  
1839 the public education system.

1840 ~~[(b) The supervision and control of the legislative area is reserved to the Legislature.]~~

1841 ~~[(c) The supervision and control of capitol hill facilities and capitol hill grounds is  
1842 reserved to the State Capitol Preservation Board.]~~

1843 (b) The division may not supervise or control capitol hill or any part of capitol hill.

1844 ~~[(d)]~~ (c) (i) Subject to Subsection ~~[(3)(d)(ii)]~~ (3)(c)(ii), the supervision and control of  
1845 the allocation of space for an institution of higher education is reserved to the Utah Board of  
1846 Higher Education.

1847 (ii) The Utah Board of Higher Education shall consult and cooperate with the division  
1848 in the establishment and enforcement of standards for the supervision and control of the  
1849 allocation of space for an institution of higher education.

1850 ~~[(e)]~~ (d) (i) Subject to Subsection ~~[(3)(e)(ii)]~~ (3)(d)(ii), the supervision and control of  
1851 the allocation of space for the courts of record listed in Subsection 78A-1-101(1) is reserved to  
1852 the Administrative Office of the Courts described in Section 78A-2-108.

1853 (ii) The Administrative Office of the Courts shall consult and cooperate with the  
1854 division in the establishment and enforcement of standards for the supervision and control of

1855 the allocation of space for the courts of record listed in Subsection 78A-1-101(1).

1856 (4) Before the division charges a rate, fee, or other amount for a service provided by  
1857 the division's internal service fund to an executive branch agency, or to a service subscriber  
1858 other than an executive branch agency, the division shall:

1859 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee  
1860 created in Section 63A-1-114; and

1861 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or  
1862 63J-1-504.

1863 Section 28. Section **63A-5b-607** is amended to read:

1864 **63A-5b-607. Health insurance requirements -- Penalties.**

1865 (1) As used in this section:

1866 (a) "Aggregate amount" means the dollar sum of all contracts, change orders, and  
1867 modifications for a single project.

1868 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

1869 (c) "Eligible employee" means an employee, as defined in Section 34A-2-104, who:

1870 (i) works at least 30 hours per calendar week; and

1871 (ii) meets the employer eligibility waiting period for qualified health insurance  
1872 coverage provided by the employer.

1873 (d) "Health benefit plan" means:

1874 (i) the same as that term is defined in Section 31A-1-301; or

1875 (ii) an employee welfare benefit plan:

1876 (A) established under the Employee Retirement Income Security Act of 1974, 29  
1877 U.S.C. Sec. 1001 et seq.;

1878 (B) for an employer with 100 or more employees; and

1879 (C) in which the employer establishes a self-funded or partially self-funded group  
1880 health plan to provide medical care for the employer's employees and dependents of the  
1881 employees.

1882 (e) "Qualified health insurance coverage" means the same as that term is defined in  
1883 Section 26B-3-909.

1884 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

1885 (g) "Third party administrator" or "administrator" means the same as that term is

1886 defined in Section 31A-1-301.

1887 (2) Except as provided in Subsection (3), the requirements of this section apply to:

1888 (a) a contractor of a design or construction contract with the division if the prime  
1889 contract is in an aggregate amount of \$2,000,000 or more; and

1890 (b) a subcontractor of a contractor of a design or construction contract with the division  
1891 if the subcontract is in an aggregate amount of \$1,000,000 or more.

1892 (3) The requirements of this section do not apply to a contractor or subcontractor if:

1893 (a) the application of this section jeopardizes the division's receipt of federal funds;

1894 (b) the contract is a sole source contract, as defined in Section 63G-6a-103; or

1895 (c) the contract is the result of an emergency procurement.

1896 (4) A person who intentionally uses a change order, contract modification, or multiple  
1897 contracts to circumvent the requirements of this section is guilty of an infraction.

1898 (5) (a) A contractor that is subject to the requirements of this section shall:

1899 (i) make and maintain an offer of qualified health coverage for the contractor's eligible  
1900 employees and the eligible employees' dependents; and

1901 (ii) submit to the director a written statement demonstrating that the contractor is in  
1902 compliance with Subsection (5)(a)(i).

1903 (b) A statement under Subsection (5)(a)(ii):

1904 (i) shall be from:

1905 (A) an actuary selected by the contractor or the contractor's insurer;

1906 (B) an underwriter who is responsible for developing the employer group's premium  
1907 rates; or

1908 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),  
1909 an actuary or underwriter selected by a third party administrator; and

1910 (ii) may not be created more than one year before the day on which the contractor  
1911 submits the statement to the director.

1912 (c) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)  
1913 shall provide the actuary or underwriter selected by an administrator, as described in  
1914 Subsection (5)(b)(i)(C), sufficient information to determine whether the contractor's  
1915 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the  
1916 requirements of qualified health coverage.

1917 (ii) A contractor may not make a change to the contractor's contribution to the health  
1918 benefit plan, unless the contractor provides notice to:

1919 (A) the actuary or underwriter selected by an administrator, as described in Subsection  
1920 (5)(b)(i)(C), for the actuary or underwriter to update the written statement described in  
1921 Subsection (5)(a) in compliance with this section; and

1922 (B) the division.

1923 (6) (a) A contractor that is subject to the requirements of this section shall:

1924 (i) ensure that each contract the contractor enters with a subcontractor that is subject to  
1925 the requirements of this section requires the subcontractor to obtain and maintain an offer of  
1926 qualified health coverage for the subcontractor's eligible employees and the eligible employees'  
1927 dependents during the duration of the subcontract; and

1928 (ii) obtain from a subcontractor referred to in Subsection (6)(a)(i) a written statement  
1929 demonstrating that the subcontractor offers qualified health coverage to eligible employees and  
1930 eligible employees' dependents.

1931 (b) A statement under Subsection (6)(a)(ii):

1932 (i) shall be from:

1933 (A) an actuary selected by the subcontractor or the subcontractor's insurer;

1934 (B) an underwriter who is responsible for developing the employer group's premium  
1935 rates; or

1936 (C) if the subcontractor provides a health benefit plan described in Subsection  
1937 (1)(d)(ii), an actuary or underwriter selected by an administrator; and

1938 (ii) may not be created more than one year before the day on which the contractor  
1939 obtains the statement from the subcontractor.

1940 (7) (a) (i) A contractor that fails to maintain an offer of qualified health coverage  
1941 during the duration of the contract as required in this section is subject to penalties in  
1942 accordance with administrative rules made by the division under this section, in accordance  
1943 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1944 (ii) A contractor is not subject to penalties for the failure of a subcontractor to obtain  
1945 and maintain an offer of qualified health coverage as required in this section.

1946 (b) (i) A subcontractor that fails to obtain and maintain an offer of qualified health  
1947 coverage during the duration of the subcontract as required in this section is subject to penalties

1948 in accordance with administrative rules made by the division under this section, in accordance  
1949 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1950 (ii) A subcontractor is not subject to penalties for the failure of a contractor to maintain  
1951 an offer of qualified health coverage as required in this section.

1952 (8) The division shall make rules:

1953 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1954 (b) in coordination with:

1955 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

1956 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

1957 (iii) a public transit district in accordance with Section 17B-2a-818.5;

1958 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]

1959 63O-2-403;

1960 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

1961 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

1962 and

1963 (c) that establish:

1964 (i) the requirements and procedures for a contractor and a subcontractor to demonstrate  
1965 compliance with this section, including:

1966 (A) a provision that a contractor or subcontractor's compliance with this section is  
1967 subject to an audit by the division or the Office of the Legislative Auditor General;

1968 (B) a provision that a contractor that is subject to the requirements of this section  
1969 obtain a written statement as provided in Subsection (5); and

1970 (C) a provision that a subcontractor that is subject to the requirements of this section  
1971 obtain a written statement as provided in Subsection (6);

1972 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally  
1973 violates the provisions of this section, which may include:

1974 (A) a three-month suspension of the contractor or subcontractor from entering into a  
1975 future contract with the state upon the first violation;

1976 (B) a six-month suspension of the contractor or subcontractor from entering into a  
1977 future contract with the state upon the second violation;

1978 (C) an action for debarment of the contractor or subcontractor in accordance with



1979 Section 63G-6a-904 upon the third or subsequent violation; and

1980 (D) monetary penalties which may not exceed 50% of the amount necessary to  
1981 purchase qualified health coverage for eligible employees and dependents of eligible  
1982 employees of the contractor or subcontractor who were not offered qualified health coverage  
1983 during the duration of the contract; and

1984 (iii) a website for the department to post the commercially equivalent benchmark for  
1985 the qualified health coverage that is provided by the Department of Health and Human Services  
1986 in accordance with Subsection 26B-3-909(2).

1987 (9) During the duration of a contract, the division may perform an audit to verify a  
1988 contractor or subcontractor's compliance with this section.

1989 (10) (a) Upon the division's request, a contractor or subcontractor shall provide the  
1990 division:

1991 (i) a signed actuarial certification that the coverage the contractor or subcontractor  
1992 offers is qualified health coverage; or

1993 (ii) all relevant documents and information necessary for the division to determine  
1994 compliance with this section.

1995 (b) If a contractor or subcontractor provides the documents and information described  
1996 in Subsection (10)(a)(i), the Insurance Department shall assist the division in determining if the  
1997 coverage the contractor or subcontractor offers is qualified health coverage.

1998 (11) (a) (i) In addition to the penalties imposed under Subsection (7), a contractor or  
1999 subcontractor that intentionally violates the provisions of this section is liable to an eligible  
2000 employee for health care costs that would have been covered by qualified health coverage.

2001 (ii) An employer has an affirmative defense to a cause of action under Subsection  
2002 (11)(a)(i) if:

2003 (A) the employer relied in good faith on a written statement described in Subsection (5)  
2004 or (6); or

2005 (B) the department determines that compliance with this section is not required under  
2006 the provisions of Subsection (3).

2007 (b) An eligible employee has a private right of action against the employee's employer  
2008 only as provided in this Subsection (11).

2009 (12) The director shall cause money collected from the imposition and collection of a

2010 penalty under this section to be deposited into the Medicaid Restricted Account created by  
2011 Section 26B-1-309.

2012 (13) The failure of a contractor or subcontractor to provide qualified health coverage as  
2013 required by this section:

2014 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,  
2015 or contractor under:

2016 (i) Section 63G-6a-1602; or

2017 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

2018 (b) may not be used by the procurement entity or a prospective bidder, offeror, or  
2019 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design  
2020 or construction.

2021 (14) An employer's waiting period for an employee to become eligible for qualified  
2022 health coverage may not extend beyond the first day of the calendar month following 60 days  
2023 after the day on which the employee is hired.

2024 (15) An administrator, including an administrator's actuary or underwriter, who  
2025 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
2026 coverage of a contractor or subcontractor who provides a health benefit plan described in  
2027 Subsection (1)(d)(ii):

2028 (a) subject to Subsection (11)(b), is not liable for an error in the written statement,  
2029 unless the administrator commits gross negligence in preparing the written statement;

2030 (b) is not liable for any error in the written statement if the administrator relied in good  
2031 faith on information from the contractor or subcontractor; and

2032 (c) may require as a condition of providing the written statement that a contractor or  
2033 subcontractor hold the administrator harmless for an action arising under this section.

2034 Section 29. Section **63G-1-503 (Effective 03/09/24)** is amended to read:

2035 **63G-1-503 (Effective 03/09/24). Historic state flag -- Description -- Image --**  
2036 **Display.**

2037 (1) The historic state flag shall be a flag of blue field, with the following device  
2038 worked in natural colors on the center of the blue field:

2039 (a) in the center a shield;

2040 (b) above the shield and thereon an American eagle with outstretched wings;

- 2041 (c) the top of the shield pierced with six arrows arranged crosswise;
- 2042 (d) upon the shield under the arrows the word "Industry," and below the word
- 2043 "Industry" on the center of the shield, a beehive;
- 2044 (e) on each side of the beehive, growing sego lilies;
- 2045 (f) below the beehive and near the bottom of the shield, the word "Utah";
- 2046 (g) below the word "Utah" and on the bottom of the shield, the figures "1847";
- 2047 (h) behind the shield, there shall be two American flags on flagstuffs placed crosswise
- 2048 with the flags so draped to project beyond each side of the shield, the heads of the flagstuffs
- 2049 appearing in front of the eagle's wings and the bottom of each staff appearing over the face of
- 2050 the draped flag below the shield;
- 2051 (i) below the shield and flags and upon the blue field, the figures "1896"; and
- 2052 (j) around the entire design, a narrow circle in gold.
- 2053 (2) The historic state flag shall appear consistent with any of the following three
- 2054 images:

2055



2056



2057



2058 (3) All citizens maintain the right to use the historic state flag upon any occasion  
2059 deemed fitting and appropriate.

2060 (4) The lieutenant governor shall establish standards and specifications for the  
2061 manufacture and display of the historic state flag.

2062 (5) The historic state flag shall be displayed:

2063 (a) on state property during legal holidays described in Section 63G-1-301, as deemed  
2064 appropriate by the governor; and

2065 (b) [~~on the capitol hill complex, as defined in Section 63C-9-102~~] at capitol hill, as  
2066 defined in Section 63O-1-101, during the annual general session of the Legislature.

2067 (6) (a) The historic state flag may be displayed on state property for ceremonial  
2068 purposes, so long as the flag is serviceable.

2069 (b) The historic state flag shall be replaced by the state flag of Utah, as described in  
2070 Section 63G-1-501, when the historic state flag is not displayed for ceremonial purposes.

2071 (c) When displaying the historic state flag on public grounds in any location where the  
2072 state flag of Utah, as described in Section 63G-1-501, is also displayed, the governmental  
2073 entity responsible for the display of the flags shall ensure that the historic state flag is displayed  
2074 beneath the state flag of Utah.

2075 Section 30. Section **63G-1-702** is amended to read:

2076 **63G-1-702. Definitions.**

2077 As used in this part:

2078 (1) "Capitol hill complex" [~~is as defined in Section 63C-9-102~~] means capitol hill, as  
2079 defined in Section 63O-1-101.

2080 (2) (a) "Flag" means a depiction or emblem made from fabric or cloth.

2081 (b) "Flag" does not include a depiction or emblem made from:

2082 (i) lights;

2083 (ii) paint;

2084 (iii) roofing;

2085 (iv) siding;

2086 (v) paving materials;

2087 (vi) flora;

2088 (vii) balloons; or

2089 (viii) any other building, landscaping, or decorative component other than fabric or  
2090 cloth.

2091 (3) "Flag of the United States" is the flag described in United States Code Title 4,  
2092 Chapter 1, The Flag.

2093 (4) "POW/MIA flag" means the POW/MIA flag of the National League of Families of  
2094 American Prisoners and Missing in Southeast Asia.

2095 Section 31. Section **63J-1-602.2 (Superseded 07/01/24)** is amended to read:

- 2096           **63J-1-602.2 (Superseded 07/01/24). List of nonlapsing appropriations to**  
2097 **programs.**
- 2098           Appropriations made to the following programs are nonlapsing:
- 2099           (1) The Legislature and the Legislature's committees.
- 2100           (2) The State Board of Education, including all appropriations to agencies, line items,  
2101 and programs under the jurisdiction of the State Board of Education, in accordance with  
2102 Section 53F-9-103.
- 2103           (3) The Rangeland Improvement Act created in Section 4-20-101.
- 2104           (4) The Percent-for-Art Program created in Section 9-6-404.
- 2105           (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- 2106           (6) The Utah Lake Authority created in Section 11-65-201.
- 2107           (7) Dedicated credits accrued to the Utah Marriage Commission as provided under  
2108 Subsection 17-16-21(2)(d)(ii).
- 2109           (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 2110           (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection  
2111 26B-3-108(7).
- 2112           (10) The Emergency Medical Services Grant Program in Section 26B-4-107.
- 2113           (11) The primary care grant program created in Section 26B-4-310.
- 2114           (12) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 2115           (13) The Utah Health Care Workforce Financial Assistance Program created in Section  
2116 26B-4-702.
- 2117           (14) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 2118           (15) The Utah Medical Education Council for the:
- 2119           (a) administration of the Utah Medical Education Program created in Section  
2120 26B-4-707;
- 2121           (b) provision of medical residency grants described in Section 26B-4-711; and
- 2122           (c) provision of the forensic psychiatric fellowship grant described in Section  
2123 26B-4-712.
- 2124           (16) The Division of Services for People with Disabilities, as provided in Section  
2125 26B-6-402.
- 2126           (17) Funds that the Department of Alcoholic Beverage Services retains in accordance

2127 with Subsection 32B-2-301(8)(a) or (b).

2128 (18) The General Assistance program administered by the Department of Workforce  
2129 Services, as provided in Section 35A-3-401.

2130 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.

2131 (20) The Search and Rescue Financial Assistance Program, as provided in Section  
2132 53-2a-1102.

2133 (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

2134 (22) The Utah Board of Higher Education for teacher preparation programs, as  
2135 provided in Section 53B-6-104.

2136 (23) Innovation grants under Section 53G-10-608, except as provided in Subsection  
2137 53G-10-608(6).

2138 (24) The Division of Fleet Operations for the purpose of upgrading underground  
2139 storage tanks under Section 63A-9-401.

2140 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

2141 (26) The Division of Technology Services for technology innovation as provided under  
2142 Section 63A-16-903.

2143 (27) The State Capitol Preservation Board created by Section [~~63C-9-201~~] 63O-2-201.

2144 (28) The Office of Administrative Rules for publishing, as provided in Section  
2145 63G-3-402.

2146 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,  
2147 Colorado River Authority of Utah Act.

2148 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,  
2149 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2150 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion  
2151 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

2152 (32) County correctional facility contracting program for state inmates as described in  
2153 Section 64-13e-103.

2154 (33) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.

2155 (34) The Division of Human Resource Management user training program, as provided  
2156 in Section 63A-17-106.

2157 (35) A public safety answering point's emergency telecommunications service fund, as

2158 provided in Section 69-2-301.

2159 (36) The Traffic Noise Abatement Program created in Section 72-6-112.

2160 (37) The money appropriated from the Navajo Water Rights Negotiation Account to  
2161 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
2162 settlement of federal reserved water right claims.

2163 (38) The Judicial Council for compensation for special prosecutors, as provided in  
2164 Section 77-10a-19.

2165 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.

2166 (40) The Utah Geological Survey, as provided in Section 79-3-401.

2167 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2168 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
2169 78B-6-144.5.

2170 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
2171 Defense Commission.

2172 (44) The program established by the Division of Facilities Construction and  
2173 Management under Section 63A-5b-703 under which state agencies receive an appropriation  
2174 and pay lease payments for the use and occupancy of buildings owned by the Division of  
2175 Facilities Construction and Management.

2176 (45) The State Tax Commission for reimbursing counties for deferred property taxes in  
2177 accordance with Section 59-2-1802.5.

2178 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.  
2179 Section 32. Section **63J-1-602.2 (Effective 07/01/24)** is amended to read:

2180 **63J-1-602.2 (Effective 07/01/24). List of nonlapsing appropriations to programs.**

2181 Appropriations made to the following programs are nonlapsing:

2182 (1) The Legislature and the Legislature's committees.

2183 (2) The State Board of Education, including all appropriations to agencies, line items,  
2184 and programs under the jurisdiction of the State Board of Education, in accordance with  
2185 Section 53F-9-103.

2186 (3) The Rangeland Improvement Act created in Section 4-20-101.

2187 (4) The Percent-for-Art Program created in Section 9-6-404.

2188 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.



- 2189 (6) The Utah Lake Authority created in Section 11-65-201.
- 2190 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
- 2191 Subsection 17-16-21(2)(d)(ii).
- 2192 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 2193 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
- 2194 26B-3-108(7).
- 2195 (10) The primary care grant program created in Section 26B-4-310.
- 2196 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 2197 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
- 2198 26B-4-702.
- 2199 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 2200 (14) The Utah Medical Education Council for the:
- 2201 (a) administration of the Utah Medical Education Program created in Section
- 2202 26B-4-707;
- 2203 (b) provision of medical residency grants described in Section 26B-4-711; and
- 2204 (c) provision of the forensic psychiatric fellowship grant described in Section
- 2205 26B-4-712.
- 2206 (15) The Division of Services for People with Disabilities, as provided in Section
- 2207 26B-6-402.
- 2208 (16) Funds that the Department of Alcoholic Beverage Services retains in accordance
- 2209 with Subsection 32B-2-301(8)(a) or (b).
- 2210 (17) The General Assistance program administered by the Department of Workforce
- 2211 Services, as provided in Section 35A-3-401.
- 2212 (18) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2213 (19) The Search and Rescue Financial Assistance Program, as provided in Section
- 2214 53-2a-1102.
- 2215 (20) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 2216 (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2217 (22) The Utah Board of Higher Education for teacher preparation programs, as
- 2218 provided in Section 53B-6-104.
- 2219 (23) Innovation grants under Section 53G-10-608, except as provided in Subsection

- 2220 53G-10-608(6).
- 2221 (24) The Division of Fleet Operations for the purpose of upgrading underground  
2222 storage tanks under Section 63A-9-401.
- 2223 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 2224 (26) The Division of Technology Services for technology innovation as provided under  
2225 Section 63A-16-903.
- 2226 (27) The State Capitol Preservation Board created by Section [~~63C-9-201~~] 63O-2-201.
- 2227 (28) The Office of Administrative Rules for publishing, as provided in Section  
2228 63G-3-402.
- 2229 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,  
2230 Colorado River Authority of Utah Act.
- 2231 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,  
2232 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2233 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion  
2234 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 2235 (32) County correctional facility contracting program for state inmates as described in  
2236 Section 64-13e-103.
- 2237 (33) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 2238 (34) The Division of Human Resource Management user training program, as provided  
2239 in Section 63A-17-106.
- 2240 (35) A public safety answering point's emergency telecommunications service fund, as  
2241 provided in Section 69-2-301.
- 2242 (36) The Traffic Noise Abatement Program created in Section 72-6-112.
- 2243 (37) The money appropriated from the Navajo Water Rights Negotiation Account to  
2244 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
2245 settlement of federal reserved water right claims.
- 2246 (38) The Judicial Council for compensation for special prosecutors, as provided in  
2247 Section 77-10a-19.
- 2248 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 2249 (40) The Utah Geological Survey, as provided in Section 79-3-401.
- 2250 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2251 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
2252 78B-6-144.5.

2253 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
2254 Defense Commission.

2255 (44) The program established by the Division of Facilities Construction and  
2256 Management under Section 63A-5b-703 under which state agencies receive an appropriation  
2257 and pay lease payments for the use and occupancy of buildings owned by the Division of  
2258 Facilities Construction and Management.

2259 (45) The State Tax Commission for reimbursing counties for deferred property taxes in  
2260 accordance with Section 59-2-1802.5.

2261 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.  
2262 Section 33. Section **63O-1-101** is enacted to read:

2263 **TITLE 63O. CAPITOL HILL**

2264 **CHAPTER 1. CONTROL AND MAINTENANCE OF CAPITOL HILL**

2265 **Part 1. General Provisions**

2266 **63O-1-101. Definitions.**

2267 As used in this title:

2268 (1) "Architectural integrity" means the architectural elements, materials, color, and  
2269 quality of the original building construction.

2270 (2) "Area of joint control" means all areas that are specified under this chapter as being  
2271 under the direction and control of both the Legislature and the governor.

2272 (3) "Board" means the State Capitol Preservation Board created in Section 63C-9-201.

2273 (4) "Capitol hill" means the following, in Salt Lake City:

2274 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made  
2275 and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North  
2276 Street, and East Capitol Boulevard;

2277 (b) the White Community Memorial Chapel, including the grounds, monuments,  
2278 parking areas, buildings, structures, and other man-made and natural objects on the property;

2279 (c) the Council Hall Travel Information Center, including the grounds, monuments,  
2280 parking areas, buildings, structures, and other man-made and natural objects on the property;

2281 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:

2282 (i) the grounds, monuments, parking areas, buildings, structures, and other man-made  
2283 and natural objects on the property; and

2284 (ii) the other state-owned property within the area bounded by Columbus Street, North  
2285 Main Street, and Apricot Avenue;

2286 (e) the Central Plant, located to the southeast of the intersection of 500 North and  
2287 Columbus Street;

2288 (f) the state-owned property within the area bounded by Columbus Street, Wall Street,  
2289 and 400 North Street; and

2290 (g) the state-owned property within the area bounded by Columbus Street, West  
2291 Capitol Street, and 500 North Street.

2292 (5) "Governor's area" means all areas, other than an area of joint control, that are  
2293 specified under this chapter as being under the direction and control of the governor.

2294 (6) "House Building" means the west building on capitol hill that is located northwest  
2295 of the State Capitol, southwest of the North Building, and west of the Senate Building.

2296 (7) "Legislative area" means all areas, other than an area of joint control, that are  
2297 specified under this chapter as being under the direction and control of the Legislature.

2298 (8) "Legislative day" means:

2299 (a) a day during the annual general session of the Legislature;

2300 (b) a day during a special session of the Legislature;

2301 (c) a day during which the House of Representatives is convened under Utah  
2302 Constitution, Article VI, Section 17;

2303 (d) a day during which the Senate is convened under Utah Constitution, Article VI,  
2304 Section 18;

2305 (e) a day during a veto override session; or

2306 (f) a day designated by the Legislative Management Committee as a legislative day for  
2307 meetings of the House of Representatives, the Senate, or a committee, task force, caucus, or  
2308 other group of the legislative branch.

2309 (9) "North Building" means the building on capitol hill that is located north of the State  
2310 Capitol, northeast of the House Building, and northwest of the Senate Building.

2311 (10) "Senate Building" means the building on capitol hill that is located northeast of  
2312 the State Capitol, southeast of the North Building, and east of the House Building.

2313 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

2314 (12) (a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the  
2315 basement level of capitol hill.

2316 (b) "Tunnels" does not include the underground parking.

2317 Section 34. Section **630-1-201** is enacted to read:

2318 **Part 2. Buildings, Structures, and Grounds**

2319 **630-1-201. Capitol building -- Direction and control.**

2320 (1) In the basement of the State Capitol:

2321 (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the  
2322 direction and control of the board, which shall allocate space, as needed, for security offices,  
2323 the Supreme Court, and others;

2324 (b) the following areas are under the direction and control of the Legislature:

2325 (i) the Legislative Printing office and Bill Room;

2326 (ii) the Sergeant Lounge; and

2327 (iii) the press room; and

2328 (c) the following areas in the southwest corner are under the direction and control of  
2329 the governor:

2330 (i) the governor's parking area;

2331 (ii) the operations center;

2332 (iii) the executive suite; and

2333 (iv) the executive detail area.

2334 (2) On the first floor of the State Capitol:

2335 (a) the following are under the direction and control of the governor:

2336 (i) the office suites located on the northwest and southwest sides; and

2337 (ii) the dignitary holding area and elevator, which the Legislature may schedule  
2338 through the Utah Highway Patrol Dignitary Protection Bureau;

2339 (b) suite 180, in the southeast corner, is under the direction and control of the board  
2340 and assigned for the use of the state treasurer; and

2341 (c) the following are under the direction and control of the board:

2342 (i) the board offices, located in suite 120, immediately to the east of the State Capitol's  
2343 north entrance;

- 2344 (ii) the Visitor Services Office, located in suite 130, immediately to the west of the  
2345 State Capitol's north entrance;
- 2346 (iii) the vending room to the south of the Visitor Services Office;  
2347 (iv) all vestibules, and the room on the east of the south vestibule;  
2348 (v) the public area beneath the rotunda and the adjacent public areas;  
2349 (vi) all conference rooms and storage rooms accessed from the areas described in  
2350 Subsection (2)(c)(v):
- 2351 (vii) suite 110, to the south of the board offices;  
2352 (viii) the Visitors Center; and  
2353 (ix) the Presentation Room.
- 2354 (3) On the second floor of the State Capitol:
- 2355 (a) suite 250, in the northeast corner, is under the direction and control of the  
2356 Legislature;
- 2357 (b) before January 1, 2025, suite 260, to the west of suite 250, is under the direction  
2358 and control of the board and assigned for the use of the state auditor;
- 2359 (c) beginning on January 1, 2025, suite 260, to the west of suite 250, is under the  
2360 direction and control of the board and assigned for the use of the state auditor, until a  
2361 substantially similar space in the State Capitol is assigned to the state auditor, after which suite  
2362 260, to the west of suite 250, is under the direction and control of the Legislature;
- 2363 (d) suite 230, in the southeast corner, is under the direction and control of the board  
2364 and assigned for the use of the attorney general;
- 2365 (e) the following are under the direction and control of the governor:
- 2366 (i) suite 200, at the west end of the floor;  
2367 (ii) suite 220, to the west of suite 230; and  
2368 (iii) suite 270, in the central north area;
- 2369 (f) the Gold Room, including the adjacent pantry:
- 2370 (i) is under the direction and control of the governor and the Legislature; and  
2371 (ii) is scheduled through the governor, with the governor having scheduling priority;
- 2372 (g) the Capitol Board Room:
- 2373 (i) is under the direction and control of the governor and the Legislature; and  
2374 (ii) is scheduled through the board, as follows:

2375 (A) on a day other than a legislative day:

2376 (I) the governor and lieutenant governor have first scheduling priority, regardless of  
2377 whether the Legislature or any other party has already scheduled the room; and

2378 (II) the Legislature has second scheduling priority, regardless of whether a party, other  
2379 than the governor or lieutenant governor, has already scheduled the room;

2380 (B) on a legislative day:

2381 (I) the Legislature has first scheduling priority, regardless of whether the governor, the  
2382 lieutenant governor, or any other party has already scheduled the room; and

2383 (II) the governor and lieutenant governor have second scheduling priority, regardless of  
2384 whether a party, other than the Legislature, has already scheduled the room;

2385 (C) if the reservation of a person who schedules the room is canceled under Subsection  
2386 (3)(g)(ii)(A) or (B), the board shall give the person as much notice as possible to schedule  
2387 another site;

2388 (D) subject to Subsection (3)(g)(ii)(A) or (B), other executive branch or judicial branch  
2389 entities may schedule the room on a first come, first-served, basis; and

2390 (E) subject to Subsection (3)(g)(ii)(A) or (B), and the board's rules for use of capitol  
2391 hill facilities, other persons may schedule the room on a first come, first-served, basis;

2392 (h) the following areas are under the direction and control of the board:

2393 (i) the grand staircases;

2394 (ii) the rotunda;

2395 (iii) the kitchen adjacent to the Gold Room; and

2396 (iv) the open areas that are:

2397 (A) east of the rotunda to the doors of the Capitol Board Room;

2398 (B) west of the rotunda, to the entrance to the governor's office;

2399 (C) south of the rotunda to the south entrance to the State Capitol; and

2400 (D) north of the rotunda to the north wall.

2401 (4) (a) On the third floor of the State Capitol, the entire floor is under the direction and  
2402 control of the Legislature, except the areas described in Subsections (6)(a) and (b).

2403 (b) The Supreme Court Chambers will be scheduled by:

2404 (i) the Legislature on a legislative day; and

2405 (ii) the Senate on a day other than a legislative day;

2406 (5) On the fourth floor of the State Capitol, the entire floor is under the direction and  
2407 control of the Legislature, except that the following areas are under the direction and control of  
2408 the board:

2409 (a) the areas described in Subsections (6)(a) and (b):

2410 (b) the four art galleries outside of the storage rooms described in Subsection (6)(b);

2411 and

2412 (c) the storage room to the north of the northeast art gallery.

2413 (6) In addition to the areas specified under Subsections (1) through (5) as being under  
2414 the direction and control of the board, the following areas in the State Capitol are under the  
2415 direction and control of the board:

2416 (a) the staircases, elevators, public restrooms and the access areas adjacent to them;

2417 (b) the interior of the pillars that begin in the open area on the first floor and rise to the  
2418 fourth floor, including the storage closets;

2419 (c) all areas of the State Capitol above the fourth floor, including the dome and roof;

2420 and

2421 (d) the other areas of the State Capitol not specified under this section as being under  
2422 the direction or control of the governor or the Legislature.

2423 (7) (a) Before October 1, 2024, the governor, the state auditor, the attorney general, the  
2424 state treasurer, the president of the Senate, and the speaker of the House of Representatives  
2425 shall assess the use of space in the State Capitol to determine the best use of the space,  
2426 including the space currently used by:

2427 (i) the governor;

2428 (ii) the lieutenant governor;

2429 (iii) the Elections Office;

2430 (iv) the Senate;

2431 (v) the House of Representatives;

2432 (vi) the attorney general;

2433 (vii) the state auditor; and

2434 (viii) the state treasurer.

2435 (b) In making the assessment described in Subsection (7)(a), priority for space in the  
2436 capitol is given to the Legislature, the governor, the lieutenant governor, the attorney general,



2437 the state auditor, and the state treasurer.

2438 Section 35. Section **630-1-202** is enacted to read:

2439 **630-1-202. House building -- Direction and control.**

2440 The entire House Building is under the direction and control of the Legislature, which  
2441 may assign certain areas to be used by the executive branch.

2442 Section 36. Section **630-1-203** is enacted to read:

2443 **630-1-203. Senate building -- Direction and control.**

2444 The entire Senate Building is under the direction and control of the Legislature, which  
2445 may assign certain areas to be used by the executive branch.

2446 Section 37. Section **630-1-204** is enacted to read:

2447 **630-1-204. North Building -- Direction and control.**

2448 (1) As used in this section, "department" means the Department of Cultural and  
2449 Community Engagement, created in Section 9-1-201.

2450 (2) The basement of the North Building is under the direction and control of the board,  
2451 the majority of which the board will assign for the use of the state museum.

2452 (3) The first floor of the North Building is under the direction and control of the board,  
2453 part of which the board will assign for the use of the state museum.

2454 (4) On the second floor of the North Building:

2455 (a) except as provided under Subsection (4)(b), the entire floor is under the direction  
2456 and control of the board, part of which the board will assign for the use of the state museum;  
2457 and

2458 (b) the conference room on the south side of the floor, to the west of the lounge, is  
2459 under the direction and control of the Legislature.

2460 (5) The entire third floor of the North Building is under the direction and control of the  
2461 Legislature.

2462 (6) The entire fourth floor of the North Building is under the direction and control of  
2463 the Legislature.

2464 (7) All portions of the North Building above the fourth floor are under the direction  
2465 and control of the board.

2466 (8) The entire atrium in the North Building, from the first floor to the ceiling of the  
2467 fourth floor, is under the direction and control of the board, including:

2468 (a) the architectural integrity of all areas of the atrium, including:

2469 (i) architectural or design features;

2470 (ii) historic color schemes, decorative finishes, and stenciling;

2471 (iii) decorative light fixtures; and

2472 (iv) flooring; and

2473 (b) the appearance of the atrium, including interior alterations or furnishings that

2474 impact the appearance of the atrium.

2475 (9) All stairs, elevators, and restrooms in the North Building are under the direction

2476 and control of the board.

2477 Section 38. Section **63O-1-205** is enacted to read:

2478 **63O-1-205. Parking.**

2479 (1) All surface parking on capitol hill is under the direction and control of the board.

2480 (2) All underground parking on capitol hill is under the direction and control of the

2481 Legislature ~~to~~ **←**, except that the following are under the direction and control of the

2481a **governor:**

2481b **(a) 46 of the parking stalls in the underground parking facility known as Lot C located**

2481c **directly east of the State Capitol;**

2481d **(b) 52 of the parking stalls in the underground parking facility known as Lot E located**

2481e **directly east of the Senate Building; and**

2481f **(c) any other area designated by the board. ←**

2482 (3) Under the direction of the Legislature, the board shall:

2483 (a) maintain and control the use of the first level of the covered parking under the plaza

2484 to the north of the North Building, giving a preference for public parking on that level;

2485 (b) except as provided in Subsection (3)(a), maintain and control the use of the covered

2486 parking under the plaza to the north of the North Building for use by the legislative branch; and

2487 (c) designate portions of parking used by the Legislature on legislative days for use by

2488 the executive branch on days other than legislative days.

2489 Section 39. Section **63O-1-206** is enacted to read:

2490 **63O-1-206. Grounds, buildings, and other structures.**

2491 The following are under the direction and control of the board:

2492 (1) the White Memorial Chapel, including the areas and objects described in

2493 Subsection 63O-1-101(4)(b);

2494 (2) the Council Hall Travel Information Center, including the areas and objects

2495 described in Subsection 63O-1-101(4)(c);

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- 2496            (3) the Daughters of the Utah Pioneers Building, including the Carriage House and the  
2497 areas and objects described in Subsection 63O-1-101(4)(d);  
2498            (4) the Central Plant;

- 2499 (5) the belvedere to the north of the North Plaza;
- 2500 (6) the stair towers;
- 2501 (7) the tunnels; and
- 2502 (8) except as expressly provided otherwise in this chapter, all grounds, buildings,
- 2503 structures, monuments, plants, and other natural or man-made features on capitol hill.

2504 Section 40. Section **63O-1-301** is enacted to read:

2505 **63O-1-301. Board responsibility and shared responsibility.**

2506 (1) The following are the responsibility of the board:

2507 (a) the architectural integrity of all areas of capitol hill, including:

2508 (i) restored historic architectural or design features;

2509 (ii) historic color schemes, decorative finishes, and stenciling;

2510 (iii) decorative light fixtures; and

2511 (iv) flooring;

2512 (b) the exterior appearance of all buildings and structures on capitol hill, including

2513 interior alterations or furnishings that impact the exterior appearance;

2514 (c) for the State Capitol, House Building, Senate Building, and North Building:

2515 (i) control of the central mechanical and electrical core on all floors;

2516 (ii) control of the enclosure of the building, from the exterior of the building to the

2517 interior of the exterior wall;

2518 (iii) public restrooms;

2519 (iv) the roof; and

2520 (v) public elevators and stairways;

2521 (d) in relation to the legislative area, the functions that the Legislative Management

2522 Committee delegates in writing to be performed by the board; and

2523 (e) in relation to the governor's area, the functions that the governor delegates in

2524 writing to be performed by the board.

2525 (2) The data and communications centers in the buildings and structures on capitol hill:

2526 (a) that are associated with the Legislature are maintained by the board under the

2527 direction of the Legislature;

2528 (b) that are associated with the executive branch are maintained by the board under the

2529 direction of the governor; and

2530 (c) that are associated with both the Legislature and the executive branch are  
2531 maintained by the board under the direction of the Legislature and the governor.

2532 (3) The board shall maintain:

2533 (a) all areas under the direction and control of the board;

2534 (b) as directed by the Legislature, all areas under the direction and control of the  
2535 Legislature;

2536 (c) as directed by the governor, all areas under the direction and control of the  
2537 governor; and

2538 (d) as directed by the state treasurer, state auditor, or attorney general, all areas under  
2539 the respective control of those elected officials.

2540 (4) Any alteration that involves interior or exterior construction on capitol hill shall be  
2541 done in coordination with the executive director of the board.

2542 Section 41. Section **63O-1-302** is enacted to read:

2543 **63O-1-302. Jurisdiction and use of areas under the direction and control of the**  
2544 **Legislature.**

2545 (1) The legislative area is reserved for the use and occupancy of the Legislature for  
2546 legislative functions.

2547 (2) Except as provided in Section 63O-1-301, the Legislative Management Committee  
2548 shall exercise jurisdiction over the legislative area.

2549 Section 42. Section **63O-1-303** is enacted to read:

2550 **63O-1-303. Jurisdiction and use of areas under the direction and control of the**  
2551 **governor.**

2552 (1) The governor's area is reserved for the use and occupancy of the executive branch  
2553 for executive functions.

2554 (2) Except as provided in Section 63O-1-301, the governor shall exercise jurisdiction  
2555 over the governor's area.

2556 Section 43. Section **63O-2-101**, which is renumbered from Section 63C-9-102 is  
2557 renumbered and amended to read:

2558 **CHAPTER 2. STATE CAPITOL PRESERVATION BOARD**

2559 **Part 1. General Provisions**

2560 ~~**[63C-9-102].**~~ **63O-2-101. Definitions.**

2561           ~~[(1) "Board" means the State Capitol Preservation Board created by Section~~  
2562 ~~63C-9-201.]~~

2563           ~~[(2) "Capitol hill complex" means the grounds, monuments, parking areas, buildings,~~  
2564 ~~including the capitol, and other man-made and natural objects within the area bounded by 300~~  
2565 ~~North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:]~~

2566           ~~[(a) the White Community Memorial Chapel and its grounds and parking areas, and the~~  
2567 ~~Council Hall Travel Information Center building and its grounds and parking areas;]~~

2568           ~~[(b) the Daughters of the Utah Pioneers building and its grounds and parking areas and~~  
2569 ~~other state-owned property included within the area bounded by Columbus Street, North Main~~  
2570 ~~Street, and Apricot Avenue;]~~

2571           ~~[(c) the state-owned property included within the area bounded by Columbus Street,~~  
2572 ~~Wall Street, and 400 North Street; and]~~

2573           ~~[(d) the state-owned property included within the area bounded by Columbus Street,~~  
2574 ~~West Capitol Street, and 500 North Street.]~~

2575           ~~[(3) "Capitol hill facilities" means all of the buildings on the capitol hill complex,~~  
2576 ~~including the capitol, and the exterior steps, entrances, streets, parking areas, and other paved~~  
2577 ~~areas of capitol hill.]~~

2578           ~~[(4) "Capitol hill grounds" means the unpaved areas of the capitol hill complex. (5)~~  
2579 ~~"Executive director"]~~ As used in this chapter, "executive director" means the executive director  
2580 appointed by the board under Section ~~[63C-9-401]~~ 63O-2-401.

2581           Section 44. Section **63O-2-201**, which is renumbered from Section 63C-9-201 is  
2582 renumbered and amended to read:

2583           **Part 2. State Capitol Preservation Board - Creation, Membership, and Terms**  
2584 ~~[63C-9-201].~~           **63O-2-201. State Capitol Preservation Board -- Creation --**  
2585 **Membership.**

2586           (1) There is created the State Capitol Preservation Board.

2587           (2) The board shall consist of the following 11 members:

2588           (a) the governor, or the lieutenant governor acting as the governor's designee;

2589           (b) the president of the Senate or the president's designee, who shall be a member of  
2590 the Senate;

2591           (c) the speaker of the House of Representatives or the speaker's designee, who shall be

2592 a member of the House of Representatives;

2593 (d) the state treasurer;

2594 (e) the state attorney general;

2595 (f) two members of the Senate appointed by the president of the Senate, one from the  
2596 majority party and one from the minority party;

2597 (g) two members of the House of Representatives appointed by the speaker of the  
2598 House of Representatives, one from the majority party and one from the minority party;

2599 (h) the chief justice of the Supreme Court or the chief justice's designee, who shall be a  
2600 member of the Supreme Court; and

2601 (i) the state historic preservation officer.

2602 Section 45. Section **63O-2-202**, which is renumbered from Section 63C-9-202 is  
2603 renumbered and amended to read:

2604 **~~[63C-9-202].~~ 63O-2-202. Terms -- Vacancies -- Chair -- Vice chair --**  
2605 **Meetings -- Compensation.**

2606 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state  
2607 treasurer, state attorney general, and state historic preservation officer shall serve terms  
2608 coterminous with their office.

2609 (b) The other members shall serve two-year terms.

2610 (2) Vacancies in the appointed positions shall be filled by the original appointing  
2611 authority for the unexpired term.

2612 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.

2613 (b) When the governor is absent from meetings of the board, the vice chair is chair of  
2614 the board.

2615 (c) The governor shall appoint a member of the board to serve as vice chair with the  
2616 approval of a majority of the members of the board.

2617 (4) The board shall meet at least quarterly and at other times at the call of the governor  
2618 or at the request of four members of the board.

2619 (5) (a) A member who is not a legislator may not receive compensation or benefits for  
2620 the member's service, but may receive per diem and travel expenses as allowed in:

2621 (i) Section 63A-3-106;

2622 (ii) Section 63A-3-107; and

2623 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and  
2624 63A-3-107.

2625 (b) Compensation and expenses of a member who is a legislator are governed by  
2626 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.  
2627 Section 46. Section **63O-2-301**, which is renumbered from Section 63C-9-301 is  
2628 renumbered and amended to read:

2629 **Part 3. State Capitol Preservation Board - Powers and Duties**

2630 ~~[63C-9-301].~~ **63O-2-301. Board powers -- Subcommittees.**

2631 (1) The board shall:

2632 (a) except as ~~[provided in Subsection (2)]~~ otherwise provided in Chapter 1, Control and  
2633 Maintenance of Capitol Hill, exercise complete jurisdiction and stewardship over capitol hill  
2634 facilities, capitol hill grounds, and the capitol hill complex;

2635 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
2636 capitol hill grounds, and their contents;

2637 (c) before October 1 of each year, review and approve the executive director's annual  
2638 budget request for submittal to the governor and Legislature;

2639 (d) ~~[by]~~ on or before October 1 of each year, prepare and submit a recommended  
2640 budget request for the upcoming fiscal year for the capitol hill complex to:

2641 (i) the governor, through the Governor's Office of Planning and Budget; and

2642 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,  
2643 through the Office of the Legislative Fiscal Analyst;

2644 (e) review and approve the executive director's:

2645 (i) annual work plan;

2646 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and  
2647 capitol hill grounds; and

2648 (iii) furnishings plan for placement and care of objects under the care of the board;

2649 (f) approve all changes to the buildings and their grounds, including:

2650 (i) restoration, remodeling, and rehabilitation projects;

2651 (ii) usual maintenance program; and

2652 (iii) any transfers or loans of objects under the board's care;

2653 (g) define and identify all significant aspects of ~~[the capitol hill complex, capitol hill~~



2654 ~~facilities, and capitol hill grounds]~~ capitol hill, after consultation with the:

2655 (i) Division of Facilities Construction and Management;

2656 (ii) State Library Division;

2657 (iii) Division of Archives and Records Service;

2658 (iv) Utah Historical Society;

2659 (v) Office of Museum Services; and

2660 (vi) Arts Council;

2661 (h) inventory, define, and identify all significant contents of the buildings and all

2662 state-owned items of historical significance that were at one time in the buildings, after

2663 consultation with the:

2664 (i) Division of Facilities Construction and Management;

2665 (ii) State Library Division;

2666 (iii) Division of Archives and Records Service;

2667 (iv) Utah Historical Society;

2668 (v) Office of Museum Services; and

2669 (vi) Arts Council;

2670 (i) maintain archives relating to the construction and development of the buildings, the

2671 contents of the buildings and ~~[their]~~ the grounds, including ~~[documents such as]~~ plans,

2672 specifications, photographs, purchase orders, and other related documents, the original copies

2673 of which shall be maintained by the Division of Archives and Records Service;

2674 (j) comply with federal and state laws related to program and facility accessibility; and

2675 (k) establish procedures for receiving, hearing, and deciding complaints or other issues

2676 raised about ~~[the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their~~

2677 ~~use]~~ capitol hill and the use of capitol hill.

2678 ~~[(2)(a) Notwithstanding Subsection (1)(a), the supervision and control of the~~

2679 ~~legislative area, as defined in Section 36-5-1, is reserved to the Legislature; and]~~

2680 ~~[(b) the supervision and control of the governor's area, as defined in Section 67-1-16, is~~

2681 ~~reserved to the governor.]~~

2682 ~~[(3)]~~ (2) (a) The board shall make rules to govern, administer, and regulate ~~[the capitol~~

2683 ~~hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and~~

2684 ~~requirements of]~~ capitol hill, in accordance with Title 63G, Chapter 3, Utah Administrative

2685 Rulemaking Act.

2686 (b) A violation of a rule relating to the use of [~~the capitol hill complex~~] capitol hill  
2687 adopted by the board under the authority of this Subsection [~~(3)~~] (2) is an infraction.

2688 (c) If an act violating a rule under Subsection [~~(3)(b)~~] (2)(b) also amounts to an offense  
2689 subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title  
2690 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection  
2691 (3)(b) does not prohibit prosecution and sentencing for the more serious offense.

2692 (d) In addition to any punishment allowed under Subsections [~~(3)(b) and (c)~~] (2)(b) and  
2693 (c), a person who violates a rule adopted by the board under the authority of this Subsection  
2694 [~~(3)~~] (2) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of  
2695 any actual damages, expenses, and costs related to the violation of the rule that are incurred by  
2696 the state.

2697 (e) The board may take any other legal action allowed by law.

2698 (f) The board may not apply this section or rules adopted under the authority of this  
2699 section in a manner that violates a person's rights under the Utah Constitution or the First  
2700 Amendment to the United States Constitution, including the right of persons to peaceably  
2701 assemble.

2702 (g) The board shall send proposed rules under this section to the legislative general  
2703 counsel and the governor's general counsel for review and comment before the board adopts the  
2704 rules.

2705 [~~(4)~~] (3) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah  
2706 Procurement Code, but shall adopt procurement rules substantially similar to the requirements  
2707 of that chapter.

2708 [~~(5)~~] (4) The board shall name:

2709 (a) the House Building[~~, that is defined in Section 36-5-1;~~] the "Rebecca D. Lockhart  
2710 House Building"; and

2711 (b) committee room 210 in the Senate Building[~~, that is defined in Section 36-5-1;~~] the  
2712 "Allyson W. Gamble Committee Room."[-]

2713 [~~(6)~~] (5) (a) The board may:

2714 (i) establish subcommittees made up of board members and members of the public to  
2715 assist and support the executive director in accomplishing the executive director's duties;

- 2716 (ii) establish fees for the use of capitol hill facilities and [~~capitol hill~~] grounds;
- 2717 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
- 2718 the other agency agrees to perform the duty or accept the responsibility;
- 2719 (iv) contract with another state agency to provide services;
- 2720 (v) delegate by specific motion of the board any authority granted to [~~it by~~] the board
- 2721 under this section to the executive director;
- 2722 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
- 2723 property contiguous to East Capitol Boulevard and capitol hill;
- 2724 (vii) provide wireless Internet service to the public without a fee in any capitol hill
- 2725 facility; and
- 2726 (viii) when necessary, consult with the:
  - 2727 (A) Division of Facilities Construction and Management;
  - 2728 (B) State Library Division;
  - 2729 (C) Division of Archives and Records Service;
  - 2730 (D) Utah Historical Society;
  - 2731 (E) Office of Museum Services; and
  - 2732 (F) Arts Council.
- 2733 (b) The board's provision of wireless Internet service under Subsection [~~(6)(a)(vii)~~]
- 2734 (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the
- 2735 speaker of the House of Representatives each submit a signed letter to the board indicating that
- 2736 the service is disruptive to the legislative process and is to be discontinued.
- 2737 (c) If a budget subcommittee is established by the board, the following shall serve as ex
- 2738 officio, nonvoting members of the budget subcommittee:
  - 2739 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office
  - 2740 of the Legislative Fiscal Analyst; and
  - 2741 (ii) the executive director of the Governor's Office of Planning and Budget, or the
  - 2742 executive director's designee, who shall be from the Governor's Office of Planning and Budget.
- 2743 (d) If a preservation and maintenance subcommittee is established by the board, the
- 2744 board may, by majority vote, appoint one or each of the following to serve on the
- 2745 subcommittee as voting members of the subcommittee:
  - 2746 (i) an architect, who shall be selected from a list of three architects submitted by the

2747 American Institute of Architects; or

2748 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
2749 American Civil Engineers Council.

2750 (e) If the board establishes any subcommittees, the board may, by majority vote,  
2751 appoint up to two people who are not members of the board to serve, at the will of the board, as  
2752 nonvoting members of a subcommittee.

2753 (f) Members of each subcommittee shall, at the first meeting of each calendar year,  
2754 select one individual to act as chair of the subcommittee for a one-year term.

2755 [~~(7)~~] (6) (a) The board, and the employees of the board, may not move the office of the  
2756 governor, lieutenant governor, president of the Senate, speaker of the House of  
2757 Representatives, or a member of the Legislature from the State Capitol unless the removal is  
2758 approved by:

2759 (i) the governor, in the case of the governor's office;

2760 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2761 (iii) the president of the Senate, in the case of the president's office or the office of a  
2762 member of the Senate; or

2763 (iv) the speaker of the House of Representatives, in the case of the speaker's office or  
2764 the office of a member of the House.

2765 (b) The board and the employees of the board have no control over the furniture,  
2766 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the  
2767 members of the Legislature except as necessary to inventory or conserve items of historical  
2768 significance owned by the state.

2769 (c) The board and the employees of the board have no control over records and  
2770 documents produced by or in the custody of a state agency, official, or employee having an  
2771 office in a building on [~~the~~] capitol hill [~~complex~~].

2772 (d) Except for items identified by the board as having historical significance, and  
2773 except as provided in Subsection [~~(7)(b)~~] (6)(b), the board and the employees of the board have  
2774 no control over moveable furnishings and equipment in the custody of a state agency, official,  
2775 or employee having an office in a building on [~~the~~] capitol hill [~~complex~~].

2776 Section 47. Section **63O-2-401**, which is renumbered from Section 63C-9-401 is  
2777 renumbered and amended to read:

**Part 4. Executive Director**

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~~[63C-9-401].~~                    63O-2-401. Executive director.

The board shall:

(1) appoint an executive director to assist the board in performing [~~its duties under this chapter~~] the duties of the board;

(2) (a) require the budget and operations subcommittee to review and make recommendations to the board regarding:

(i) the executive director's annual performance; and

(ii) the executive director's suggestions for staff, including staff duties, performance, compensation, and personnel;

(b) approve, deny, or modify the subcommittee's recommendations, which shall be submitted to the board before the board submits [~~its~~] budget recommendations under Subsections [~~63C-9-301(1)(c) and (d)~~] 63O-2-301(1)(c) and (d); and

(c) make rules governing the review, compensation, and bonus process for the executive director and staff.

Section 48. Section **63O-2-402**, which is renumbered from Section 63C-9-402 is renumbered and amended to read:

~~[63C-9-402].~~                    63O-2-402. Executive director -- Duties.

The executive director shall:

(1) develop, for board approval, a master plan with a projection of at least 20 years concerning the stewardship responsibilities, operation, activities, maintenance, preservation, restoration, and modification of [~~the capitol hill complex, capitol hill facilities, and capitol hill grounds~~] capitol hill, including, if directed by the board, a plan to restore the buildings to their original architecture;

(2) develop, as part of the master plan submitted for board approval, a furnishings plan for the placement and care of objects under the care of the board;

(3) prepare, and recommend for board approval, an annual budget and work plan, that is consistent with the master plan, for all work to be performed under this chapter, including usual operations and maintenance and janitorial and preventative maintenance for [~~the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents~~] capitol hill and the contents of capitol hill;

2809 (4) develop an operations, maintenance, and janitorial program for [~~the capitol hill~~  
2810 ~~complex, capitol hill facilities, capitol hill grounds, and their contents]~~ capitol hill and the  
2811 contents of capitol hill;

2812 (5) develop a program to purchase or accept by donation, permanent loan, or outside  
2813 funding items necessary to implement the master plan;

2814 (6) develop and maintain a registration system and inventory of the contents of [~~the~~  
2815 ~~capitol hill facilities and [capitol hill]~~ grounds and of the original documents relating to the  
2816 buildings' construction and alteration;

2817 (7) develop a program to purchase or accept by donation, permanent loan, or outside  
2818 funding items of historical significance that were at one time in the capitol hill facilities and  
2819 that are not owned by the state;

2820 (8) develop a program to locate and acquire state-owned items of historical  
2821 significance that were at one time in the buildings;

2822 (9) develop a collections policy regarding the items of historic significance as  
2823 identified in the registration system and inventory for the approval of the board;

2824 (10) assist in matters dealing with the preservation of historic materials;

2825 (11) make recommendations on conservation needs and make arrangements to contract  
2826 for conservation services for objects of significance;

2827 (12) make recommendations for the transfer or loan of objects of significance as  
2828 detailed in the approved collections policy;

2829 (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus  
2830 property that is not of significance as defined in the collections policy and by the registration  
2831 system;

2832 (14) approve all art and exhibits placed on capitol hill after board approval;

2833 (15) employ staff to assist [~~him~~] in administering this chapter and direct and coordinate  
2834 [~~their~~] the staff's activities;

2835 (16) contract for professional services of qualified consultants, including architectural  
2836 historians, landscape architects with experience in landscape architectural preservation,  
2837 conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;

2838 (17) prepare annually a complete and detailed written report for the board that accounts  
2839 for all funds received and disbursed by the board during the preceding fiscal year;

2840 (18) develop and manage a visitor services program for capitol hill which shall include  
2841 public outreach programs, public tours, events, and communication and public relation  
2842 services; and

2843 (19) subject to Section 63O-1-205, manage and organize all transit and parking  
2844 programs on [the] capitol hill [~~complex, except that:~~].

2845 [~~(a) the Legislative Management Committee shall direct the executive director's~~  
2846 ~~management and organization of transit and parking associated with the legislative area as~~  
2847 ~~defined in Section 36-5-1; and]~~

2848 [~~(b) the governor shall direct the executive director's management and organization of~~  
2849 ~~transit and parking associated with the governor's area as defined in Section 67-1-16.]~~

2850 Section 49. Section **63O-2-403**, which is renumbered from Section 63C-9-403 is  
2851 renumbered and amended to read:

2852 ~~[63C-9-403].~~ **63O-2-403. Contracting power of executive director --**  
2853 **Health insurance coverage.**

2854 (1) As used in this section:

2855 (a) "Aggregate" means the sum of all contracts, change orders, and modifications  
2856 related to a single project.

2857 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

2858 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or  
2859 "operative" who:

2860 (i) works at least 30 hours per calendar week; and

2861 (ii) meets employer eligibility waiting requirements for health care insurance, which  
2862 may not exceed the first of the calendar month following 60 days after the day on which the  
2863 individual is hired.

2864 (d) "Health benefit plan" means:

2865 (i) the same as that term is defined in Section 31A-1-301; or

2866 (ii) an employee welfare benefit plan:

2867 (A) established under the Employee Retirement Income Security Act of 1974, 29  
2868 U.S.C. Sec. 1001 et seq.;

2869 (B) for an employer with 100 or more employees; and

2870 (C) in which the employer establishes a self-funded or partially self-funded group

2871 health plan to provide medical care for the employer's employees and dependents of the  
2872 employees.

2873 (e) "Qualified health coverage" means the same as that term is defined in Section  
2874 26B-3-909.

2875 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

2876 (g) "Third party administrator" or "administrator" means the same as that term is  
2877 defined in Section 31A-1-301.

2878 (2) Except as provided in Subsection (3), the requirements of this section apply to:

2879 (a) a contractor of a design or construction contract entered into by the board, or on  
2880 behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate amount  
2881 equal to or greater than \$2,000,000; and

2882 (b) a subcontractor of a contractor of a design or construction contract entered into by  
2883 the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in an  
2884 aggregate amount equal to or greater than \$1,000,000.

2885 (3) The requirements of this section do not apply to a contractor or subcontractor  
2886 described in Subsection (2) if:

2887 (a) the application of this section jeopardizes the receipt of federal funds;

2888 (b) the contract is a sole source contract; or

2889 (c) the contract is an emergency procurement.

2890 (4) A person that intentionally uses change orders, contract modifications, or multiple  
2891 contracts to circumvent the requirements of this section is guilty of an infraction.

2892 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the  
2893 executive director that the contractor has and will maintain an offer of qualified health  
2894 coverage for the contractor's employees and the employees' dependents during the duration of  
2895 the contract by submitting to the executive director a written statement that:

2896 (i) the contractor offers qualified health coverage that complies with Section  
2897 26B-3-909;

2898 (ii) is from:

2899 (A) an actuary selected by the contractor or the contractor's insurer;

2900 (B) an underwriter who is responsible for developing the employer group's premium  
2901 rates; or



2902 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),  
2903 an actuary or underwriter selected by a third party administrator; and

2904 (iii) was created within one year before the day on which the statement is submitted.

2905 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)  
2906 shall provide the actuary or underwriter selected by the administrator, as described in  
2907 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's  
2908 contribution to the health benefit plan and the health benefit plan's actuarial value meets the  
2909 requirements of qualified health coverage.

2910 (ii) A contractor may not make a change to the contractor's contribution to the health  
2911 benefit plan, unless the contractor provides notice to:

2912 (A) the actuary or underwriter selected by the administrator, as described in Subsection  
2913 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in  
2914 Subsection (5)(a) in compliance with this section; and

2915 (B) the executive director.

2916 (c) A contractor that is subject to the requirements of this section shall:

2917 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that  
2918 is subject to the requirements of this section shall obtain and maintain an offer of qualified  
2919 health coverage for the subcontractor's employees and the employees' dependents during the  
2920 duration of the subcontract; and

2921 (ii) obtain from a subcontractor that is subject to the requirements of this section a  
2922 written statement that:

2923 (A) the subcontractor offers qualified health coverage that complies with Section  
2924 26B-3-909;

2925 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an  
2926 underwriter who is responsible for developing the employer group's premium rates, or if the  
2927 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or  
2928 underwriter selected by an administrator; and

2929 (C) was created within one year before the day on which the contractor obtains the  
2930 statement.

2931 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage as  
2932 described in Subsection (5)(a) during the duration of the contract is subject to penalties in

2933 accordance with administrative rules adopted by the division under Subsection (6).

2934 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain  
2935 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

2936 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health  
2937 coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to  
2938 penalties in accordance with administrative rules adopted by the department under Subsection  
2939 (6).

2940 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain  
2941 an offer of qualified health coverage described in Subsection (5)(a).

2942 (6) The department shall [~~adopt administrative~~] make rules:

2943 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2944 (b) in coordination with:

2945 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

2946 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

2947 (iii) the Division of Facilities Construction and Management in accordance with  
2948 Section 63A-5b-607;

2949 (iv) a public transit district in accordance with Section 17B-2a-818.5;

2950 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

2951 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;  
2952 and

2953 (c) that establish:

2954 (i) the requirements and procedures a contractor and a subcontractor shall follow to  
2955 demonstrate compliance with this section, including:

2956 (A) that a contractor or subcontractor's compliance with this section is subject to an  
2957 audit by the department or the Office of the Legislative Auditor General;

2958 (B) that a contractor that is subject to the requirements of this section shall obtain a  
2959 written statement described in Subsection (5)(a); and

2960 (C) that a subcontractor that is subject to the requirements of this section shall obtain a  
2961 written statement described in Subsection (5)(c)(ii);

2962 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally  
2963 violates the provisions of this section, which may include:

2964 (A) a three-month suspension of the contractor or subcontractor from entering into  
2965 future contracts with the state upon the first violation;

2966 (B) a six-month suspension of the contractor or subcontractor from entering into future  
2967 contracts with the state upon the second violation;

2968 (C) an action for debarment of the contractor or subcontractor in accordance with  
2969 Section 63G-6a-904 upon the third or subsequent violation; and

2970 (D) monetary penalties which may not exceed 50% of the amount necessary to  
2971 purchase qualified health coverage for employees and dependents of employees of the  
2972 contractor or subcontractor who were not offered qualified health coverage during the duration  
2973 of the contract; and

2974 (iii) a website on which the department shall post the commercially equivalent  
2975 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by  
2976 the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

2977 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor  
2978 or subcontractor who intentionally violates the provisions of this section is liable to the  
2979 employee for health care costs that would have been covered by qualified health coverage.

2980 (ii) An employer has an affirmative defense to a cause of action under Subsection  
2981 (7)(a)(i) if:

2982 (A) the employer relied in good faith on a written statement described in Subsection  
2983 (5)(a) or (5)(c)(ii); or

2984 (B) the department determines that compliance with this section is not required under  
2985 the provisions of Subsection (3).

2986 (b) An employee has a private right of action only against the employee's employer to  
2987 enforce the provisions of this Subsection (7).

2988 (8) Any penalties imposed and collected under this section shall be deposited into the  
2989 Medicaid Restricted Account created in Section 26B-1-309.

2990 (9) The failure of a contractor or subcontractor to provide qualified health coverage as  
2991 required by this section:

2992 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,  
2993 or contractor under:

2994 (i) Section 63G-6a-1602; or

2995 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and  
2996 (b) may not be used by the procurement entity or a prospective bidder, offeror, or  
2997 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design  
2998 or construction.

2999 (10) An administrator, including the administrator's actuary or underwriter, who  
3000 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
3001 coverage of a contractor or subcontractor who provides a health benefit plan described in  
3002 Subsection (1)(d)(ii):

3003 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,  
3004 unless the administrator commits gross negligence in preparing the written statement;

3005 (b) is not liable for any error in the written statement if the administrator relied in good  
3006 faith on information from the contractor or subcontractor; and

3007 (c) may require as a condition of providing the written statement that a contractor or  
3008 subcontractor hold the administrator harmless for an action arising under this section.

3009 Section 50. Section **63O-2-501**, which is renumbered from Section 63C-9-501 is  
3010 renumbered and amended to read:

3011 **Part 5. Fundraising and Donations**

3012 ~~[63C-9-501].~~ **63O-2-501. Soliciting donations.**

3013 (1) The executive director, under the direction of the board, shall:

3014 (a) develop plans and programs to solicit gifts, money, and items of value from private  
3015 persons, foundations, or organizations; and

3016 (b) actively solicit donations from those persons and entities.

3017 (2) (a) Property provided by those entities is the property of the state and is under the  
3018 control of the board.

3019 (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property  
3020 of persons having an office in a building on capitol hill.

3021 (3) The board:

3022 (a) shall deposit money donated to the board into the State Capitol Preservation Board  
3023 budget as expendable receipts;

3024 (b) shall use gifts of money made to the board for the purpose specified by the grantor,  
3025 if any; and

3026 (c) may return to the donor any gift or money donated to the board if a majority of the  
3027 board determines that use of the gift or money is unfeasible, or will otherwise not be placed or  
3028 used on capitol hill.

3029 Section 51. Section **63O-2-601**, which is renumbered from Section 63C-9-601 is  
3030 renumbered and amended to read:

3031 **Part 6. Furnishings, Fixtures, and Other Items**

3032 ~~[63C-9-601].~~ **63O-2-601. Responsibility for items.**

3033 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board  
3034 has responsibility under this chapter are not subject to the custody or control of the State  
3035 Library Board, the State Library Division, the Division of Archives and Records Service, the  
3036 Utah Historical Society, the Division of Arts and Museums, the arts collection committee of  
3037 the State of Utah Alice Merrill Horne Art Collection, or any other state agency.

3038 Section 52. Section **63O-2-602**, which is renumbered from Section 63C-9-602 is  
3039 renumbered and amended to read:

3040 ~~[63C-9-602].~~ **63O-2-602. Transfer of certain historical items.**

3041 (1) (a) A state agency or other state entity that possesses a state-owned item identified  
3042 by the executive director and the board as an item of historical significance that was at one time  
3043 located in the capitol hill facilities shall transfer the item to the inventory of the board at the  
3044 direction of the executive director not later than the 60th day after the date that the executive  
3045 director notifies the agency or entity.

3046 (b) The state agency or other state entity shall subsequently transfer physical  
3047 possession of the item to the board in accordance with policies and procedures established by  
3048 the board.

3049 (2) This section does not apply to records or documents in the custody of the Division  
3050 of Archives and Records Service.

3051 Section 53. Section **72-6-107.5** is amended to read:

3052 **72-6-107.5. Construction of improvements of highway -- Contracts -- Health**  
3053 **insurance coverage.**

3054 (1) As used in this section:

3055 (a) "Aggregate" means the sum of all contracts, change orders, and modifications  
3056 related to a single project.

3057 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3058 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or

3059 "operative" who:

3060 (i) works at least 30 hours per calendar week; and

3061 (ii) meets employer eligibility waiting requirements for health care insurance, which  
3062 may not exceed the first day of the calendar month following 60 days after the day on which  
3063 the individual is hired.

3064 (d) "Health benefit plan" means:

3065 (i) the same as that term is defined in Section 31A-1-301; or

3066 (ii) an employee welfare benefit plan:

3067 (A) established under the Employee Retirement Income Security Act of 1974, 29  
3068 U.S.C. Sec. 1001 et seq.;

3069 (B) for an employer with 100 or more employees; and

3070 (C) in which the employer establishes a self-funded or partially self-funded group  
3071 health plan to provide medical care for the employer's employees and dependents of the  
3072 employees.

3073 (e) "Qualified health coverage" means the same as that term is defined in Section  
3074 26B-3-909.

3075 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

3076 (g) "Third party administrator" or "administrator" means the same as that term is  
3077 defined in Section 31A-1-301.

3078 (2) Except as provided in Subsection (3), the requirements of this section apply to:

3079 (a) a contractor of a design or construction contract entered into by the department on  
3080 or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than  
3081 \$2,000,000; and

3082 (b) a subcontractor of a contractor of a design or construction contract entered into by  
3083 the department on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or  
3084 greater than \$1,000,000.

3085 (3) The requirements of this section do not apply to a contractor or subcontractor  
3086 described in Subsection (2) if:

3087 (a) the application of this section jeopardizes the receipt of federal funds;

3088 (b) the contract is a sole source contract; or  
3089 (c) the contract is an emergency procurement.  
3090 (4) A person that intentionally uses change orders, contract modifications, or multiple  
3091 contracts to circumvent the requirements of this section is guilty of an infraction.  
3092 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the  
3093 department that the contractor has and will maintain an offer of qualified health coverage for  
3094 the contractor's employees and the employees' dependents during the duration of the contract  
3095 by submitting to the department a written statement that:  
3096 (i) the contractor offers qualified health coverage that complies with Section  
3097 26B-3-909;  
3098 (ii) is from:  
3099 (A) an actuary selected by the contractor or the contractor's insurer;  
3100 (B) an underwriter who is responsible for developing the employer group's premium  
3101 rates; or  
3102 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),  
3103 an actuary or underwriter selected by a third party administrator; and  
3104 (iii) was created within one year before the day on which the statement is submitted.  
3105 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)  
3106 shall provide the actuary or underwriter selected by an administrator, as described in  
3107 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's  
3108 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the  
3109 requirements of qualified health coverage.  
3110 (ii) A contractor may not make a change to the contractor's contribution to the health  
3111 benefit plan, unless the contractor provides notice to:  
3112 (A) the actuary or underwriter selected by an administrator, as described in Subsection  
3113 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in  
3114 Subsection (5)(a) in compliance with this section; and  
3115 (B) the department.  
3116 (c) A contractor that is subject to the requirements of this section shall:  
3117 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that  
3118 is subject to the requirements of this section shall obtain and maintain an offer of qualified

3119 health coverage for the subcontractor's employees and the employees' dependents during the  
3120 duration of the subcontract; and

3121 (ii) obtain from a subcontractor that is subject to the requirements of this section a  
3122 written statement that:

3123 (A) the subcontractor offers qualified health coverage that complies with Section  
3124 26B-3-909;

3125 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an  
3126 underwriter who is responsible for developing the employer group's premium rates, or if the  
3127 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or  
3128 underwriter selected by an administrator; and

3129 (C) was created within one year before the day on which the contractor obtains the  
3130 statement.

3131 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage  
3132 described in Subsection (5)(a) during the duration of the contract is subject to penalties in  
3133 accordance with administrative rules adopted by the department under Subsection (6).

3134 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain  
3135 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3136 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health  
3137 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to  
3138 penalties in accordance with administrative rules adopted by the department under Subsection  
3139 (6).

3140 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain  
3141 an offer of qualified health coverage described in Subsection (5)(a).

3142 (6) The department shall adopt administrative rules:

3143 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3144 (b) in coordination with:

3145 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

3146 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

3147 (iii) the Division of Facilities Construction and Management in accordance with  
3148 Section 63A-5b-607;

3149 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]



3150 63O-2-403;

3151 (v) a public transit district in accordance with Section 17B-2a-818.5; and

3152 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

3153 and

3154 (c) that establish:

3155 (i) the requirements and procedures a contractor and a subcontractor shall follow to  
3156 demonstrate compliance with this section, including:

3157 (A) that a contractor or subcontractor's compliance with this section is subject to an  
3158 audit by the department or the Office of the Legislative Auditor General;

3159 (B) that a contractor that is subject to the requirements of this section shall obtain a  
3160 written statement described in Subsection (5)(a); and

3161 (C) that a subcontractor that is subject to the requirements of this section shall obtain a  
3162 written statement described in Subsection (5)(c)(ii);

3163 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally  
3164 violates the provisions of this section, which may include:

3165 (A) a three-month suspension of the contractor or subcontractor from entering into  
3166 future contracts with the state upon the first violation;

3167 (B) a six-month suspension of the contractor or subcontractor from entering into future  
3168 contracts with the state upon the second violation;

3169 (C) an action for debarment of the contractor or subcontractor in accordance with  
3170 Section 63G-6a-904 upon the third or subsequent violation; and

3171 (D) monetary penalties which may not exceed 50% of the amount necessary to  
3172 purchase qualified health coverage for an employee and a dependent of the employee of the  
3173 contractor or subcontractor who was not offered qualified health coverage during the duration  
3174 of the contract; and

3175 (iii) a website on which the department shall post the commercially equivalent  
3176 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by  
3177 the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

3178 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor  
3179 or subcontractor who intentionally violates the provisions of this section is liable to the  
3180 employee for health care costs that would have been covered by qualified health coverage.

3181 (ii) An employer has an affirmative defense to a cause of action under Subsection  
3182 (7)(a)(i) if:

3183 (A) the employer relied in good faith on a written statement described in Subsection  
3184 (5)(a) or (5)(c)(ii); or

3185 (B) the department determines that compliance with this section is not required under  
3186 the provisions of Subsection (3).

3187 (b) An employee has a private right of action only against the employee's employer to  
3188 enforce the provisions of this Subsection (7).

3189 (8) Any penalties imposed and collected under this section shall be deposited into the  
3190 Medicaid Restricted Account created in Section 26B-1-309.

3191 (9) The failure of a contractor or subcontractor to provide qualified health coverage as  
3192 required by this section:

3193 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,  
3194 or contractor under:

3195 (i) Section 63G-6a-1602; or

3196 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3197 (b) may not be used by the procurement entity or a prospective bidder, offeror, or  
3198 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design  
3199 or construction.

3200 (10) An administrator, including an administrator's actuary or underwriter, who  
3201 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
3202 coverage of a contractor or subcontractor who provides a health benefit plan described in  
3203 Subsection (1)(d)(ii):

3204 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,  
3205 unless the administrator commits gross negligence in preparing the written statement;

3206 (b) is not liable for any error in the written statement if the administrator relied in good  
3207 faith on information from the contractor or subcontractor; and

3208 (c) may require as a condition of providing the written statement that a contractor or  
3209 subcontractor hold the administrator harmless for an action arising under this section.

3210 Section 54. Section **79-2-404** is amended to read:

3211 **79-2-404. Contracting powers of department -- Health insurance coverage.**

3212 (1) As used in this section:

3213 (a) "Aggregate" means the sum of all contracts, change orders, and modifications  
3214 related to a single project.

3215 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3216 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or  
3217 "operative" who:

3218 (i) works at least 30 hours per calendar week; and

3219 (ii) meets employer eligibility waiting requirements for health care insurance, which  
3220 may not exceed the first day of the calendar month following 60 days after the day on which  
3221 the individual is hired.

3222 (d) "Health benefit plan" means:

3223 (i) the same as that term is defined in Section 31A-1-301; or

3224 (ii) an employee welfare benefit plan:

3225 (A) established under the Employee Retirement Income Security Act of 1974, 29  
3226 U.S.C. Sec. 1001 et seq.;

3227 (B) for an employer with 100 or more employees; and

3228 (C) in which the employer establishes a self-funded or partially self-funded group  
3229 health plan to provide medical care for the employer's employees and dependents of the  
3230 employees.

3231 (e) "Qualified health coverage" means the same as that term is defined in Section  
3232 26B-3-909.

3233 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

3234 (g) "Third party administrator" or "administrator" means the same as that term is  
3235 defined in Section 31A-1-301.

3236 (2) Except as provided in Subsection (3), the requirements of this section apply to:

3237 (a) a contractor of a design or construction contract entered into by, or delegated to, the  
3238 department or a division, board, or council of the department on or after July 1, 2009, if the  
3239 prime contract is in an aggregate amount equal to or greater than \$2,000,000; and

3240 (b) a subcontractor of a contractor of a design or construction contract entered into by,  
3241 or delegated to, the department or a division, board, or council of the department on or after  
3242 July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.

- 3243 (3) This section does not apply to contracts entered into by the department or a  
3244 division, board, or council of the department if:
- 3245 (a) the application of this section jeopardizes the receipt of federal funds;
  - 3246 (b) the contract or agreement is between:
    - 3247 (i) the department or a division, board, or council of the department; and
    - 3248 (ii) (A) another agency of the state;
    - 3249 (B) the federal government;
    - 3250 (C) another state;
    - 3251 (D) an interstate agency;
    - 3252 (E) a political subdivision of this state; or
    - 3253 (F) a political subdivision of another state; or
  - 3254 (c) the contract or agreement is:
    - 3255 (i) for the purpose of disbursing grants or loans authorized by statute;
    - 3256 (ii) a sole source contract; or
    - 3257 (iii) an emergency procurement.
- 3258 (4) A person that intentionally uses change orders, contract modifications, or multiple  
3259 contracts to circumvent the requirements of this section is guilty of an infraction.
- 3260 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the  
3261 department that the contractor has and will maintain an offer of qualified health coverage for  
3262 the contractor's employees and the employees' dependents during the duration of the contract  
3263 by submitting to the department a written statement that:
- 3264 (i) the contractor offers qualified health coverage that complies with Section  
3265 26B-3-909;
  - 3266 (ii) is from:
    - 3267 (A) an actuary selected by the contractor or the contractor's insurer;
    - 3268 (B) an underwriter who is responsible for developing the employer group's premium  
3269 rates; or
    - 3270 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),  
3271 an actuary or underwriter selected by a third party administrator; and
    - 3272 (iii) was created within one year before the day on which the statement is submitted.
  - 3273 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)

3274 shall provide the actuary or underwriter selected by an administrator, as described in  
3275 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's  
3276 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the  
3277 requirements of qualified health coverage.

3278 (ii) A contractor may not make a change to the contractor's contribution to the health  
3279 benefit plan, unless the contractor provides notice to:

3280 (A) the actuary or underwriter selected by an administrator, as described in Subsection  
3281 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in  
3282 Subsection (5)(a) in compliance with this section; and

3283 (B) the department.

3284 (c) A contractor that is subject to the requirements of this section shall:

3285 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that  
3286 is subject to the requirements of this section shall obtain and maintain an offer of qualified  
3287 health coverage for the subcontractor's employees and the employees' dependents during the  
3288 duration of the subcontract; and

3289 (ii) obtain from a subcontractor that is subject to the requirements of this section a  
3290 written statement that:

3291 (A) the subcontractor offers qualified health coverage that complies with Section  
3292 26B-3-909;

3293 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an  
3294 underwriter who is responsible for developing the employer group's premium rates, or if the  
3295 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or  
3296 underwriter selected by an administrator; and

3297 (C) was created within one year before the day on which the contractor obtains the  
3298 statement.

3299 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage  
3300 described in Subsection (5)(a) during the duration of the contract is subject to penalties in  
3301 accordance with administrative rules adopted by the department under Subsection (6).

3302 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain  
3303 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3304 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health

3305 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to  
3306 penalties in accordance with administrative rules adopted by the department under Subsection  
3307 (6).

3308 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain  
3309 an offer of qualified health coverage described in Subsection (5)(a).

3310 (6) The department shall adopt administrative rules:

3311 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3312 (b) in coordination with:

3313 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

3314 (ii) a public transit district in accordance with Section 17B-2a-818.5;

3315 (iii) the Division of Facilities Construction and Management in accordance with  
3316 Section 63A-5b-607;

3317 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]  
3318 63O-2-403;

3319 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

3320 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

3321 and

3322 (c) that establish:

3323 (i) the requirements and procedures a contractor and a subcontractor shall follow to  
3324 demonstrate compliance with this section, including:

3325 (A) that a contractor or subcontractor's compliance with this section is subject to an  
3326 audit by the department or the Office of the Legislative Auditor General;

3327 (B) that a contractor that is subject to the requirements of this section shall obtain a  
3328 written statement described in Subsection (5)(a); and

3329 (C) that a subcontractor that is subject to the requirements of this section shall obtain a  
3330 written statement described in Subsection (5)(c)(ii);

3331 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally  
3332 violates the provisions of this section, which may include:

3333 (A) a three-month suspension of the contractor or subcontractor from entering into  
3334 future contracts with the state upon the first violation;

3335 (B) a six-month suspension of the contractor or subcontractor from entering into future

3336 contracts with the state upon the second violation;

3337 (C) an action for debarment of the contractor or subcontractor in accordance with  
3338 Section 63G-6a-904 upon the third or subsequent violation; and

3339 (D) monetary penalties which may not exceed 50% of the amount necessary to  
3340 purchase qualified health coverage for an employee and a dependent of an employee of the  
3341 contractor or subcontractor who was not offered qualified health coverage during the duration  
3342 of the contract; and

3343 (iii) a website on which the department shall post the commercially equivalent  
3344 benchmark, for the qualified health coverage identified in Subsection (1)(e), provided by the  
3345 Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

3346 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor  
3347 or subcontractor who intentionally violates the provisions of this section is liable to the  
3348 employee for health care costs that would have been covered by qualified health coverage.

3349 (ii) An employer has an affirmative defense to a cause of action under Subsection  
3350 (7)(a)(i) if:

3351 (A) the employer relied in good faith on a written statement described in Subsection  
3352 (5)(a) or (5)(c)(ii); or

3353 (B) the department determines that compliance with this section is not required under  
3354 the provisions of Subsection (3).

3355 (b) An employee has a private right of action only against the employee's employer to  
3356 enforce the provisions of this Subsection (7).

3357 (8) Any penalties imposed and collected under this section shall be deposited into the  
3358 Medicaid Restricted Account created in Section 26B-1-309.

3359 (9) The failure of a contractor or subcontractor to provide qualified health coverage as  
3360 required by this section:

3361 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,  
3362 or contractor under:

3363 (i) Section 63G-6a-1602; or

3364 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3365 (b) may not be used by the procurement entity or a prospective bidder, offeror, or

3366 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design

3367 or construction.

3368 (10) An administrator, including an administrator's actuary or underwriter, who  
3369 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
3370 coverage of a contractor or subcontractor who provides a health benefit plan described in  
3371 Subsection (1)(d)(ii):

3372 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,  
3373 unless the administrator commits gross negligence in preparing the written statement;

3374 (b) is not liable for any error in the written statement if the administrator relied in good  
3375 faith on information from the contractor or subcontractor; and

3376 (c) may require as a condition of providing the written statement that a contractor or  
3377 subcontractor hold the administrator harmless for an action arising under this section.

3378 **Section 55. Repealer.**

3379 This bill repeals:

3380 **Section 36-2-1, Legislative in-session employees.**

3381 **Section 36-5-1, Reservation of area for Legislature -- Duties of Legislative**  
3382 **Management Committee.**

3383 **Section 36-12-2, Standing committees.**

3384 **Section 36-12-3, Interim committees -- Membership -- Purpose -- Meetings and**  
3385 **rules.**

3386 **Section 36-12-4, Interim committees of two houses -- Meeting jointly -- Joint rules**  
3387 **-- Majority vote.**

3388 **Section 36-12-5, Duties of interim committees.**

3389 **Section 36-21-1, Definition -- Deadline for state governmental entities filing**  
3390 **legislation -- Waiver.**

3391 **Section 36-34-101, Statewide elected official summit.**

3392 **Section 63C-9-101, Title.**

3393 **Section 67-1-16, Reservation of area for governor.**

3394 **Section 56. Effective date.**

3395 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

3396 (2) The following sections take effect on July 1, 2024:

3397 (a) Section 63A-5b-303 (Effective 07/01/24); and



3398

(b) Section 63J-1-602.2 (Effective 07/01/24).