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OPERATIONS OF STATE GOVERNMENT
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Lincoln Fillmore
House Sponsor: James A. Dunnigan

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:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17B-2a-818.5 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 327

19-1-206 (Effective 05/01/24), as last amended by Laws of Utah 2023, Chapter 327

28 **26A-1-108 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 39
29 **26A-1-114 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 90, 327
30 **26B-1-309 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
31 Chapter 305
32 **26B-3-909 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
33 Chapter 306
34 **32B-4-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 245
35 **32B-4-415 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 447
36 **36-2-2 (Effective 05/01/24)**, as last amended by Laws of Utah 2010, Chapter 133
37 **36-11-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16
38 **36-12-1 (Effective 05/01/24)**, as last amended by Laws of Utah 2000, Chapter 104
39 **36-12-6 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 403
40 **36-12-7 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 222
41 **36-12-8 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 403
42 **36-12-8.1 (Effective 05/01/24)**, as last amended by Laws of Utah 2018, Chapter 254
43 **36-12-9.5 (Effective 05/01/24)**, as enacted by Laws of Utah 2014, Chapter 167
44 **36-12-19 (Effective 05/01/24)**, as last amended by Laws of Utah 1989, Chapter 174
45 **41-6a-1401 (Effective 05/01/24)**, as last amended by Laws of Utah 2016, Chapter 245
46 **49-11-406 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapters 64,
47 282, 344, and 382
48 **53-1-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapters 349, 360
49 **53-1-109 (Effective 05/01/24)**, as last amended by Laws of Utah 2005, Chapter 2
50 **53-8-105 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 432
51 **53D-2-203 (Effective 05/01/24)**, as enacted by Laws of Utah 2018, Chapter 448
52 **55-5-6 (Effective 05/01/24)**, as last amended by Laws of Utah 2001, Chapter 9
53 **63A-5b-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 421
54 **63A-5b-303 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of
55 Utah 2023, Chapter 329
56 **63A-5b-303 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 329,
57 394
58 **63A-5b-607 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 329
59 **63G-1-503 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 451
60 **63G-1-702 (Effective 05/01/24)**, as enacted by Laws of Utah 2013, Chapter 90
61 **63J-1-602.2 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of

62 Utah 2023, Chapters 33, 34, 134, 139, 180, 212, 246, 330, 345, 354, and 534
63 **63J-1-602.2 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 33,
64 34, 134, 139, 180, 212, 246, 310, 330, 345, 354, and 534
65 **72-6-107.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 330
66 **79-2-404 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 330

67 ENACTS:

68 **63O-1-101 (Effective 05/01/24)**, Utah Code Annotated 1953
69 **63O-1-201 (Effective 05/01/24)**, Utah Code Annotated 1953
70 **63O-1-202 (Effective 05/01/24)**, Utah Code Annotated 1953
71 **63O-1-203 (Effective 05/01/24)**, Utah Code Annotated 1953
72 **63O-1-204 (Effective 05/01/24)**, Utah Code Annotated 1953
73 **63O-1-205 (Effective 05/01/24)**, Utah Code Annotated 1953
74 **63O-1-206 (Effective 05/01/24)**, Utah Code Annotated 1953
75 **63O-1-301 (Effective 05/01/24)**, Utah Code Annotated 1953
76 **63O-1-302 (Effective 05/01/24)**, Utah Code Annotated 1953
77 **63O-1-303 (Effective 05/01/24)**, Utah Code Annotated 1953

78 RENUMBERS AND AMENDS:

79 **63O-2-101 (Effective 05/01/24)**, (Renumbered from 63C-9-102, as last amended by
80 Laws of Utah 2006, Chapter 256)
81 **63O-2-201 (Effective 05/01/24)**, (Renumbered from 63C-9-201, as last amended by
82 Laws of Utah 2006, Chapter 256)
83 **63O-2-202 (Effective 05/01/24)**, (Renumbered from 63C-9-202, as last amended by
84 Laws of Utah 2014, Chapter 387)
85 **63O-2-301 (Effective 05/01/24)**, (Renumbered from 63C-9-301, as last amended by
86 Laws of Utah 2023, Chapter 160)
87 **63O-2-401 (Effective 05/01/24)**, (Renumbered from 63C-9-401, as last amended by
88 Laws of Utah 2006, Chapter 256)
89 **63O-2-402 (Effective 05/01/24)**, (Renumbered from 63C-9-402, as last amended by
90 Laws of Utah 2015, Chapter 314)
91 **63O-2-403 (Effective 05/01/24)**, (Renumbered from 63C-9-403, as last amended by
92 Laws of Utah 2023, Chapter 329)
93 **63O-2-501 (Effective 05/01/24)**, (Renumbered from 63C-9-501, as last amended by
94 Laws of Utah 2023, Chapter 534)
95 **63O-2-601 (Effective 05/01/24)**, (Renumbered from 63C-9-601, as last amended by

96 Laws of Utah 2023, Chapter 160)
 97 **63O-2-602 (Effective 05/01/24)**, (Renumbered from 63C-9-602, as enacted by Laws
 98 of Utah 1998, Chapter 285)

99 REPEALS:

100 **36-2-1 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 71
 101 **36-5-1 (Effective 05/01/24)**, as last amended by Laws of Utah 2015, Chapter 314
 102 **36-12-2 (Effective 05/01/24)**, as last amended by Laws of Utah 1998, Chapter 226
 103 **36-12-3 (Effective 05/01/24)**, as last amended by Laws of Utah 2002, Chapter 39
 104 **36-12-4 (Effective 05/01/24)**, as last amended by Laws of Utah 1988, Chapter 6
 105 **36-12-5 (Effective 05/01/24)**, as last amended by Laws of Utah 2013, Chapter 177
 106 **36-21-1 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 365
 107 **36-34-101 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 207
 108 **63C-9-101 (Effective 05/01/24)**, as enacted by Laws of Utah 1998, Chapter 285
 109 **67-1-16 (Effective 05/01/24)**, as enacted by Laws of Utah 2008, Chapter 10

110

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

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

113 **17B-2a-818.5 (Effective 05/01/24). Contracting powers of public transit districts**

114 **-- Health insurance coverage.**

115 (1) As used in this section:

116 (a) "Aggregate" means the sum of all contracts, change orders, and modifications related
 117 to a single project.

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

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

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

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

125 (d) "Health benefit plan" means:

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

127 (ii) an employee welfare benefit plan:

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

- 130 (B) for an employer with 100 or more employees; and
- 131 (C) in which the employer establishes a self-funded or partially self-funded group
- 132 health plan to provide medical care for the employer's employees and
- 133 dependents of the employees.
- 134 (e) "Qualified health coverage" means the same as that term is defined in Section
- 135 26B-3-909.
- 136 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
- 137 (g) "Third party administrator" or "administrator" means the same as that term is defined
- 138 in Section 31A-1-301.
- 139 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 140 (a) a contractor of a design or construction contract entered into by the public transit
- 141 district on or after July 1, 2009, if the prime contract is in an aggregate amount equal
- 142 to or greater than \$2,000,000; and
- 143 (b) a subcontractor of a contractor of a design or construction contract entered into by
- 144 the public transit district on or after July 1, 2009, if the subcontract is in an aggregate
- 145 amount equal to or greater than \$1,000,000.
- 146 (3) The requirements of this section do not apply to a contractor or subcontractor described
- 147 in Subsection (2) if:
- 148 (a) the application of this section jeopardizes the receipt of federal funds;
- 149 (b) the contract is a sole source contract; or
- 150 (c) the contract is an emergency procurement.
- 151 (4) A person that intentionally uses change orders, contract modifications, or multiple
- 152 contracts to circumvent the requirements of this section is guilty of an infraction.
- 153 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
- 154 public transit district that the contractor has and will maintain an offer of qualified
- 155 health coverage for the contractor's employees and the employee's dependents during
- 156 the duration of the contract by submitting to the public transit district a written
- 157 statement that:
- 158 (i) the contractor offers qualified health coverage that complies with Section
- 159 26B-3-909;
- 160 (ii) is from:
- 161 (A) an actuary selected by the contractor or the contractor's insurer;
- 162 (B) an underwriter who is responsible for developing the employer group's
- 163 premium rates; or

- 164 (C) if the contractor provides a health benefit plan described in Subsection
165 (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
166 (iii) was created within one year before the day on which the statement is submitted.
- 167 (b) (i) A contractor that provides a health benefit plan described in Subsection
168 (1)(d)(ii) shall provide the actuary or underwriter selected by an administrator, as
169 described in Subsection (5)(a)(ii)(C), sufficient information to determine whether
170 the contractor's contribution to the health benefit plan and the actuarial value of
171 the health benefit plan meet the requirements of qualified health coverage.
- 172 (ii) A contractor may not make a change to the contractor's contribution to the health
173 benefit plan, unless the contractor provides notice to:
- 174 (A) the actuary or underwriter selected by an administrator as described in
175 Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written
176 statement described in Subsection (5)(a) in compliance with this section; and
177 (B) the public transit district.
- 178 (c) A contractor that is subject to the requirements of this section shall:
- 179 (i) place a requirement in each of the contractor's subcontracts that a subcontractor
180 that is subject to the requirements of this section shall obtain and maintain an offer
181 of qualified health coverage for the subcontractor's employees and the employees'
182 dependents during the duration of the subcontract; and
- 183 (ii) obtain from a subcontractor that is subject to the requirements of this section a
184 written statement that:
- 185 (A) the subcontractor offers qualified health coverage that complies with Section
186 26B-3-909;
- 187 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer,
188 an underwriter who is responsible for developing the employer group's
189 premium rates, or if the subcontractor provides a health benefit plan described
190 in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator;
191 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
195 as described in Subsection (5)(a) during the duration of the contract is subject
196 to penalties in accordance with an ordinance adopted by the public transit
197 district under Subsection (6).

- 198 (B) A contractor is not subject to penalties for the failure of a subcontractor to
199 obtain and maintain an offer of qualified health coverage described in
200 Subsection (5)(c)(i).
- 201 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified
202 health coverage described in Subsection (5)(c)(i) during the duration of the
203 subcontract is subject to penalties in accordance with an ordinance adopted by
204 the public transit district under Subsection (6).
- 205 (B) A subcontractor is not subject to penalties for the failure of a contractor to
206 maintain an offer of qualified health coverage described in Subsection (5)(a).
- 207 (6) The public transit district shall adopt ordinances:
- 208 (a) in coordination with:
- 209 (i) the Department of Environmental Quality in accordance with Section 19-1-206;
210 (ii) the Department of Natural Resources in accordance with Section 79-2-404;
211 (iii) the Division of Facilities Construction and Management in accordance with
212 Section 63A-5b-607;
213 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
214 63O-2-403; and
215 (v) the Department of Transportation in accordance with Section 72-6-107.5; and
- 216 (b) that establish:
- 217 (i) the requirements and procedures a contractor and a subcontractor shall follow to
218 demonstrate compliance with this section, including:
- 219 (A) that a contractor or subcontractor's compliance with this section is subject to
220 an audit by the public transit district or the Office of the Legislative Auditor
221 General;
- 222 (B) that a contractor that is subject to the requirements of this section shall obtain
223 a written statement described in Subsection (5)(a); and
- 224 (C) that a subcontractor that is subject to the requirements of this section shall
225 obtain a written statement described in Subsection (5)(c)(ii);
- 226 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
227 violates the provisions of this section, which may include:
- 228 (A) a three-month suspension of the contractor or subcontractor from entering into
229 future contracts with the public transit district upon the first violation;
- 230 (B) a six-month suspension of the contractor or subcontractor from entering into
231 future contracts with the public transit district upon the second violation;

- 232 (C) an action for debarment of the contractor or subcontractor in accordance with
 233 Section 63G-6a-904 upon the third or subsequent violation; and
- 234 (D) monetary penalties which may not exceed 50% of the amount necessary to
 235 purchase qualified health coverage for employees and dependents of
 236 employees of the contractor or subcontractor who were not offered qualified
 237 health coverage during the duration of the contract; and
- 238 (iii) a website on which the district shall post the commercially equivalent
 239 benchmark, for the qualified health coverage identified in Subsection (1)(e), that
 240 is provided by the Department of Health and Human Services, in accordance with
 241 Subsection 26B-3-909(2).
- 242 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(b)(ii), a
 243 contractor or subcontractor who intentionally violates the provisions of this
 244 section is liable to the employee for health care costs that would have been
 245 covered by qualified health coverage.
- 246 (ii) An employer has an affirmative defense to a cause of action under Subsection
 247 (7)(a)(i) if:
- 248 (A) the employer relied in good faith on a written statement described in
 249 Subsection (5)(a) or (5)(c)(ii); or
- 250 (B) a department or division determines that compliance with this section is not
 251 required under the provisions of Subsection (3).
- 252 (b) An employee has a private right of action only against the employee's employer to
 253 enforce the provisions of this Subsection (7).
- 254 (8) Any penalties imposed and collected under this section shall be deposited into the
 255 Medicaid Restricted Account created in Section 26B-1-309.
- 256 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
 257 required by this section:
- 258 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
 259 or contractor under:
- 260 (i) Section 63G-6a-1602; or
 261 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
- 262 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
 263 contractor as a basis for any action or suit that would suspend, disrupt, or terminate
 264 the design or construction.
- 265 (10) An administrator, including an administrator's actuary or underwriter, who provides a

266 written statement under Subsection (5)(a) or (c) regarding the qualified health coverage
267 of a contractor or subcontractor who provides a health benefit plan described in
268 Subsection (1)(d)(ii):
269 (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless
270 the administrator commits gross negligence in preparing the written statement;
271 (b) is not liable for any error in the written statement if the administrator relied in good
272 faith on information from the contractor or subcontractor; and
273 (c) may require as a condition of providing the written statement that a contractor or
274 subcontractor hold the administrator harmless for an action arising under this section.
275 Section 2. Section **19-1-206** is amended to read:

276 **19-1-206 (Effective 05/01/24). Contracting powers of department -- Health**
277 **insurance coverage.**

- 278 (1) As used in this section:
- 279 (a) "Aggregate" means the sum of all contracts, change orders, and modifications related
280 to a single project.
 - 281 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.
 - 282 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
283 "operative" who:
 - 284 (i) works at least 30 hours per calendar week; and
 - 285 (ii) meets employer eligibility waiting requirements for health care insurance, which
286 may not exceed the first day of the calendar month following 60 days after the day
287 on which the individual is hired.
 - 288 (d) "Health benefit plan" means:
 - 289 (i) the same as that term is defined in Section 31A-1-301; or
 - 290 (ii) an employee welfare benefit plan:
 - 291 (A) established under the Employee Retirement Income Security Act of 1974, 29
292 U.S.C. Sec. 1001 et seq.;
 - 293 (B) for an employer with 100 or more employees; and
 - 294 (C) in which the employer establishes a self-funded or partially self-funded group
295 health plan to provide medical care for the employer's employees and
296 dependents of the employees.
 - 297 (e) "Qualified health coverage" means the same as that term is defined in Section
298 26B-3-909.
 - 299 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

- 300 (g) "Third party administrator" or "administrator" means the same as that term is defined
301 in Section 31A-1-301.
- 302 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 303 (a) a contractor of a design or construction contract entered into by, or delegated to, the
304 department, or a division or board of the department, on or after July 1, 2009, if the
305 prime contract is in an aggregate amount equal to or greater than \$2,000,000; and
- 306 (b) a subcontractor of a contractor of a design or construction contract entered into by, or
307 delegated to, the department, or a division or board of the department, on or after July
308 1, 2009, if the subcontract is in an aggregate amount equal to or greater than
309 \$1,000,000.
- 310 (3) This section does not apply to contracts entered into by the department or a division or
311 board of the department if:
- 312 (a) the application of this section jeopardizes the receipt of federal funds;
- 313 (b) the contract or agreement is between:
- 314 (i) the department or a division or board of the department; and
- 315 (ii) (A) another agency of the state;
- 316 (B) the federal government;
- 317 (C) another state;
- 318 (D) an interstate agency;
- 319 (E) a political subdivision of this state; or
- 320 (F) a political subdivision of another state;
- 321 (c) the executive director determines that applying the requirements of this section to a
322 particular contract interferes with the effective response to an immediate health and
323 safety threat from the environment; or
- 324 (d) the contract is:
- 325 (i) a sole source contract; or
- 326 (ii) an emergency procurement.
- 327 (4) A person that intentionally uses change orders, contract modifications, or multiple
328 contracts to circumvent the requirements of this section is guilty of an infraction.
- 329 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
330 executive director that the contractor has and will maintain an offer of qualified
331 health coverage for the contractor's employees and the employees' dependents during
332 the duration of the contract by submitting to the executive director a written
333 statement that:

- 334 (i) the contractor offers qualified health coverage that complies with Section
335 26B-3-909;
- 336 (ii) is from:
- 337 (A) an actuary selected by the contractor or the contractor's insurer;
- 338 (B) an underwriter who is responsible for developing the employer group's
339 premium rates; or
- 340 (C) if the contractor provides a health benefit plan described in Subsection
341 (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
- 342 (iii) was created within one year before the day on which the statement is submitted.
- 343 (b) (i) A contractor that provides a health benefit plan described in Subsection
344 (1)(d)(ii) shall provide the actuary or underwriter selected by an administrator, as
345 described in Subsection (5)(a)(ii)(C), sufficient information to determine whether
346 the contractor's contribution to the health benefit plan and the actuarial value of
347 the health benefit plan meet the requirements of qualified health coverage.
- 348 (ii) A contractor may not make a change to the contractor's contribution to the health
349 benefit plan, unless the contractor provides notice to:
- 350 (A) the actuary or underwriter selected by an administrator, as described in
351 Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written
352 statement described in Subsection (5)(a) in compliance with this section; and
353 (B) the department.
- 354 (c) A contractor that is subject to the requirements of this section shall:
- 355 (i) place a requirement in each of the contractor's subcontracts that a subcontractor
356 that is subject to the requirements of this section shall obtain and maintain an offer
357 of qualified health coverage for the subcontractor's employees and the employees'
358 dependents during the duration of the subcontract; and
- 359 (ii) obtain from a subcontractor that is subject to the requirements of this section a
360 written statement that:
- 361 (A) the subcontractor offers qualified health coverage that complies with Section
362 26B-3-909;
- 363 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer,
364 an underwriter who is responsible for developing the employer group's
365 premium rates, or if the subcontractor provides a health benefit plan described
366 in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator;
367 and

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

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

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

377 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified
378 health coverage described in Subsection (5)(c) during the duration of the
379 subcontract is subject to penalties in accordance with administrative rules
380 adopted by the department under Subsection (6).

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

383 (6) The department shall adopt administrative rules:

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

385 (b) in coordination with:

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

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

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

390 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
391 63O-2-403;

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

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

395 (c) that establish:

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

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

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

- 402 (C) that a subcontractor that is subject to the requirements of this section shall
403 obtain a written statement described in Subsection (5)(c)(ii);
- 404 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
405 violates the provisions of this section, which may include:
- 406 (A) a three-month suspension of the contractor or subcontractor from entering into
407 future contracts with the state upon the first violation;
- 408 (B) a six-month suspension of the contractor or subcontractor from entering into
409 future contracts with the state upon the second violation;
- 410 (C) an action for debarment of the contractor or subcontractor in accordance with
411 Section 63G-6a-904 upon the third or subsequent violation; and
- 412 (D) notwithstanding Section 19-1-303, monetary penalties which may not exceed
413 50% of the amount necessary to purchase qualified health coverage for an
414 employee and the dependents of an employee of the contractor or subcontractor
415 who was not offered qualified health coverage during the duration of the
416 contract; and
- 417 (iii) a website on which the department shall post the commercially equivalent
418 benchmark, for the qualified health coverage identified in Subsection (1)(e), that
419 is provided by the Department of Health and Human Services, in accordance with
420 Subsection 26B-3-909(2).
- 421 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a
422 contractor or subcontractor who intentionally violates the provisions of this
423 section is liable to the employee for health care costs that would have been
424 covered by qualified health coverage.
- 425 (ii) An employer has an affirmative defense to a cause of action under Subsection
426 (7)(a)(i) if:
- 427 (A) the employer relied in good faith on a written statement described in
428 Subsection (5)(a) or (5)(c)(ii); or
- 429 (B) the department determines that compliance with this section is not required
430 under the provisions of Subsection (3).
- 431 (b) An employee has a private right of action only against the employee's employer to
432 enforce the provisions of this Subsection (7).
- 433 (8) Any penalties imposed and collected under this section shall be deposited into the
434 Medicaid Restricted Account created in Section 26B-1-309.
- 435 (9) The failure of a contractor or subcontractor to provide qualified health coverage as

436 required by this section:

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

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

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

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

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

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

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

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

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

455 **26A-1-108 (Effective 05/01/24). Jurisdiction and duties of local health**

456 **departments -- Registration as a limited purpose entity.**

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

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

467 (2) (a) Each local health department shall register and maintain the local health
468 department's registration as a limited purpose entity, in accordance with Section
469 67-1a-15.

470 (b) A local health department that fails to comply with Subsection (2)(a) or Section
471 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section
472 67-3-1.

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

474 **26A-1-114 (Effective 05/01/24). Powers and duties of departments.**

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

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

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

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

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

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

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

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

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

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

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

- 504 (i) establish and collect appropriate fees for the performance of services and
505 operation of authorized or required programs and duties;
- 506 (ii) accept, use, and administer all federal, state, or private donations or grants of
507 funds, property, services, or materials for public health purposes; and
- 508 (iii) make agreements not in conflict with state law which are conditional to receiving
509 a donation or grant;
- 510 (i) prepare, publish, and disseminate information necessary to inform and advise the
511 public concerning:
- 512 (i) the health and wellness of the population, specific hazards, and risk factors that
513 may adversely affect the health and wellness of the population; and
- 514 (ii) specific activities individuals and institutions can engage in to promote and
515 protect the health and wellness of the population;
- 516 (j) investigate the causes of morbidity and mortality;
- 517 (k) issue notices and orders necessary to carry out this part;
- 518 (l) conduct studies to identify injury problems, establish injury control systems, develop
519 standards for the correction and prevention of future occurrences, and provide public
520 information and instruction to special high risk groups;
- 521 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
522 within the jurisdiction of the boards;
- 523 (n) cooperate with the state health department, the Department of Corrections, the
524 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
525 Services, and the Crime Victim Reparations Board to conduct testing for HIV
526 infection of alleged sexual offenders, convicted sexual offenders, and any victims of
527 a sexual offense;
- 528 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321; and
- 529 (p) provide public health assistance in response to a national, state, or local emergency, a
530 public health emergency as defined in Section 26B-7-301, or a declaration by the
531 President of the United States or other federal official requesting public health-related
532 activities.
- 533 (2) The local health department shall:
- 534 (a) establish programs or measures to promote and protect the health and general
535 wellness of the people within the boundaries of the local health department;
- 536 (b) investigate infectious and other diseases of public health importance and implement
537 measures to control the causes of epidemic and communicable diseases and other

- 538 conditions significantly affecting the public health which may include involuntary
539 testing of alleged sexual offenders for the HIV infection pursuant to Section
540 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection
541 pursuant to Section 53-10-803;
- 542 (c) cooperate with the department in matters pertaining to the public health and in the
543 administration of state health laws; and
- 544 (d) coordinate implementation of environmental programs to maximize efficient use of
545 resources by developing with the Department of Environmental Quality a
546 Comprehensive Environmental Service Delivery Plan which:
- 547 (i) recognizes that the Department of Environmental Quality and local health
548 departments are the foundation for providing environmental health programs in
549 the state;
- 550 (ii) delineates the responsibilities of the department and each local health department
551 for the efficient delivery of environmental programs using federal, state, and local
552 authorities, responsibilities, and resources;
- 553 (iii) provides for the delegation of authority and pass through of funding to local
554 health departments for environmental programs, to the extent allowed by
555 applicable law, identified in the plan, and requested by the local health
556 department; and
- 557 (iv) is reviewed and updated annually.
- 558 (3) The local health department has the following duties regarding public and private
559 schools within the local health department's boundaries:
- 560 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
561 persons attending public and private schools;
- 562 (b) exclude from school attendance any person, including teachers, who is suffering
563 from any communicable or infectious disease, whether acute or chronic, if the person
564 is likely to convey the disease to those in attendance; and
- 565 (c) (i) make regular inspections of the health-related condition of all school buildings
566 and premises;
- 567 (ii) report the inspections on forms furnished by the department to those responsible
568 for the condition and provide instructions for correction of any conditions that
569 impair or endanger the health or life of those attending the schools; and
- 570 (iii) provide a copy of the report to the department at the time the report is made.
- 571 (4) If those responsible for the health-related condition of the school buildings and premises

572 do not carry out any instructions for corrections provided in a report in Subsection
573 (3)(c), the local health board shall cause the conditions to be corrected at the expense of
574 the persons responsible.

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

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

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

586 (b) The local health department:

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

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

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

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

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

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

605 (d) (i) The relevant county governing body may at any time terminate a public health

- 606 emergency or an order of constraint issued by the local health department by
607 majority vote of the county governing body in response to a declared public health
608 emergency.
- 609 (ii) A vote by the relevant county governing body to terminate a public health
610 emergency or an order of constraint as described in Subsection (7)(d)(i) is not
611 subject to veto by the relevant chief executive officer.
- 612 (8) (a) Except as provided in Subsection (8)(b), a public health emergency declared by a
613 local health department expires at the earliest of:
- 614 (i) the local health department or the chief executive officer of the relevant county
615 finding that the threat or danger has passed or the public health emergency
616 reduced to the extent that emergency conditions no longer exist;
- 617 (ii) 30 days after the date on which the local health department declared the public
618 health emergency; or
- 619 (iii) the day on which the public health emergency is terminated by majority vote of
620 the county governing body.
- 621 (b) (i) The relevant county legislative body, by majority vote, may extend a public
622 health emergency for a time period designated by the county legislative body.
- 623 (ii) If the county legislative body extends a public health emergency as described in
624 Subsection (8)(b)(i), the public health emergency expires on the date designated
625 by the county legislative body.
- 626 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
627 local health department expires as described in Subsection (8)(a), the local health
628 department may not declare a public health emergency for the same illness or
629 occurrence that precipitated the previous public health emergency declaration.
- 630 (d) (i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
631 health department finds that exigent circumstances exist, after providing notice to
632 the county legislative body, the department may declare a new public health
633 emergency for the same illness or occurrence that precipitated a previous public
634 health emergency declaration.
- 635 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires
636 in accordance with Subsection (8)(a) or (b).
- 637 (e) For a public health emergency declared by a local health department under this
638 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine
639 Procedures for Communicable Diseases, the Legislature may terminate by joint

- 640 resolution a public health emergency that was declared based on exigent
641 circumstances or that has been in effect for more than 30 days.
- 642 (f) If the Legislature or county legislative body terminates a public health emergency
643 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local
644 health department may not declare a new public health emergency for the same
645 illness, occurrence, or exigent circumstances.
- 646 (9) (a) During a public health emergency declared under this chapter or under Title 26B,
647 Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for
648 Communicable Diseases:
- 649 (i) except as provided in Subsection (9)(b), a local health department may not issue
650 an order of constraint without approval of the chief executive officer of the
651 relevant county;
- 652 (ii) the Legislature may at any time terminate by joint resolution an order of
653 constraint issued by a local health department in response to a declared public
654 health emergency that has been in effect for more than 30 days; and
- 655 (iii) a county governing body may at any time terminate by majority vote of the
656 governing body an order of constraint issued by a local health department in
657 response to a declared public health emergency.
- 658 (b) (i) Notwithstanding Subsection (9)(a)(i), a local health department may issue an
659 order of constraint without approval of the chief executive officer of the relevant
660 county if the passage of time necessary to obtain approval of the chief executive
661 officer of the relevant county as required in Subsection (9)(a)(i) would
662 substantially increase the likelihood of loss of life due to an imminent threat.
- 663 (ii) If a local health department issues an order of constraint as described in
664 Subsection (9)(b), the local health department shall notify the chief executive
665 officer of the relevant county before issuing the order of constraint.
- 666 (iii) The chief executive officer of the relevant county may terminate an order of
667 constraint issued as described in Subsection (9)(b) within 72 hours of issuance of
668 the order of constraint.
- 669 (c) (i) For a local health department that serves more than one county, the approval
670 described in Subsection (9)(a)(i) is required for the chief executive officer for
671 which the order of constraint is applicable.
- 672 (ii) For a local health department that serves more than one county, a county
673 governing body may only terminate an order of constraint as described in

- 674 Subsection (9)(a)(iii) for the county served by the county governing body.
- 675 (10) (a) During a public health emergency declared as described in this title:
- 676 (i) the department or a local health department may not impose an order of constraint
- 677 on a religious gathering that is more restrictive than an order of constraint that
- 678 applies to any other relevantly similar gathering; and
- 679 (ii) an individual, while acting or purporting to act within the course and scope of the
- 680 individual's official department or local health department capacity, may not:
- 681 (A) prevent a religious gathering that is held in a manner consistent with any order
- 682 of constraint issued pursuant to this title; or
- 683 (B) impose a penalty for a previous religious gathering that was held in a manner
- 684 consistent with any order of constraint issued pursuant to this title.
- 685 (b) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
- 686 prevent the violation of this Subsection (10).
- 687 (c) During a public health emergency declared as described in this title, the department
- 688 or a local health department shall not issue a public health order or impose or
- 689 implement a regulation that substantially burdens an individual's exercise of religion
- 690 unless the department or local health department demonstrates that the application of
- 691 the burden to the individual:
- 692 (i) is in furtherance of a compelling government interest; and
- 693 (ii) is the least restrictive means of furthering that compelling government interest.
- 694 (d) Notwithstanding Subsections (8)(a) and (c), the department or a local health
- 695 department shall allow reasonable accommodations for an individual to perform or
- 696 participate in a religious practice or rite.
- 697 (11) An order of constraint issued by a local health department pursuant to a declared
- 698 public health emergency does not apply to a facility, property, or area owned or leased
- 699 by the state, including [~~the capitol hill complex, as that term is defined in Section~~
- 700 ~~63C-9-102~~] capitol hill, as defined in Section 63O-1-101.
- 701 (12) A local health department may not:
- 702 (a) require a person to obtain an inspection, license, or permit from the local health
- 703 department to engage in a practice described in Subsection 58-11a-304(5); or
- 704 (b) prevent or limit a person's ability to engage in a practice described in Subsection
- 705 58-11a-304(5) by:
- 706 (i) requiring the person to engage in the practice at a specific location or at a
- 707 particular type of facility or location; or

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

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

711 **26B-1-309 (Effective 05/01/24). Medicaid Restricted Account.**

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

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

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

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

723 (iii) any penalties imposed and collected under:

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

725 (B) Section 19-1-206;

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

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

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

729 (F) Section 79-2-404.

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

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

736 (3) (a) For fiscal years 2008-09, 2009-10, 2010-11, 2011-12, and 2012-13 the following
737 funds are nonlapsing:

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

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

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

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

745 **26B-3-909 (Effective 05/01/24). State contractor -- Employee and dependent**
746 **health benefit plan coverage.**

747 (1) For purposes of Sections 17B-2a-818.5, 19-1-206, 63A-5b-607, [~~63C-9-403~~] 63O-2-403,
748 72-6-107.5, and 79-2-404, "qualified health coverage" means, at the time the contract is
749 entered into or renewed:

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

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

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

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

758 (i) has a deductible that is:

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

761 (B) a deductible that is higher than the lowest deductible permitted for a federally
762 qualified high deductible health plan, but includes an employer contribution to
763 a health savings account in a dollar amount at least equal to the dollar amount
764 difference between the lowest deductible permitted for a federally qualified
765 high deductible plan and the deductible for the employer offered federally
766 qualified high deductible plan;

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

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

771 (2) The department shall:

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

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

775 (ii) post the commercially equivalent benchmark plan described in Subsection

776 (2)(a)(i) on the department's website, noting the date posted; and
 777 (b) update the posted commercially equivalent benchmark plan annually and at the time
 778 of any change in the benchmark.

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

780 **32B-4-102 (Effective 05/01/24). Definitions.**

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

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

784 **32B-4-415 (Effective 05/01/24). Unlawful bringing onto premises for**
 785 **consumption.**

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

- 788 (a) a retail licensee or person required to be licensed under this title as a retail licensee;
- 789 (b) an establishment that conducts a business similar to a retail licensee;
- 790 (c) an event where an alcoholic product is sold, offered for sale, or furnished under a
 791 single event permit or temporary beer event permit issued under this title;
- 792 (d) an establishment open to the general public; or
- 793 (e) the capitol hill complex.

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

- 798 (a) a retail licensee or a person required to be licensed under this title as a retail licensee;
- 799 (b) an establishment that conducts a business similar to a retail licensee;
- 800 (c) a single event permittee or temporary beer event permittee;
- 801 (d) an establishment open to the general public;
- 802 (e) the State Capitol Preservation Board created in Section [~~63C-9-201]~~ 63O-2-201; or
- 803 (f) staff of a person listed in Subsections (2)(a) through (e).

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

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

809 (4) (a) A person may bring bottled wine onto the premises of the following and consume

- 810 the wine pursuant to Section 32B-5-307:
- 811 (i) a full-service restaurant licensee;
- 812 (ii) a limited restaurant licensee;
- 813 (iii) a bar establishment licensee; or
- 814 (iv) a person operating under a spa sublicense.
- 815 (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic
- 816 product in the limousine if:
- 817 (i) the travel of the limousine begins and ends at:
- 818 (A) the residence of the passenger;
- 819 (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
- 820 (C) the temporary domicile of the passenger;
- 821 (ii) the driver of the limousine is separated from the passengers by partition or other
- 822 means approved by the department; and
- 823 (iii) the limousine is not located on the capitol hill complex.
- 824 (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic
- 825 product on the chartered bus:
- 826 (i) (A) but may consume only during travel to a specified destination of the
- 827 chartered bus and not during travel back to the place where the travel begins; or
- 828 (B) if the travel of the chartered bus begins and ends at:
- 829 (I) the residence of the passenger;
- 830 (II) the hotel of the passenger, if the passenger is a registered guest of the hotel;
- 831 or
- 832 (III) the temporary domicile of the passenger;
- 833 (ii) if the chartered bus has a nondrinking designee other than the driver traveling on
- 834 the chartered bus to monitor consumption; and
- 835 (iii) if the chartered bus is not located on the capitol hill complex.
- 836 (5) A person may bring onto any premises, possess, and consume an alcoholic product at a
- 837 private event.
- 838 (6) Notwithstanding Subsection (5), private and public facilities may prohibit the
- 839 possession or consumption of alcohol on their premises.
- 840 (7) The restrictions of Subsections (2) and (3) apply to a resort licensee or hotel licensee or
- 841 person operating under a sublicense in relationship to:
- 842 (a) the boundary of a resort building, as defined in Section 32B-8-102, or the boundary
- 843 of a hotel, as defined in Section 32B-8b-102, in an area that is open to the public; or

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

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

846 **36-2-2 (Effective 05/01/24). Salaries and expenses of members -- Compensation**
 847 **of in-session employees.**

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

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

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

864 (b) Beginning in 2001 and in each odd-numbered year after that year, the majority and
 865 minority leadership of each [~~house~~] chamber shall receive a salary equal to the
 866 amount recommended by the Legislative Compensation Commission in the last
 867 report issued by the commission in the previous even-numbered year.

868 (3) The Legislature shall:

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

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

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

872 (ii) a mileage allowance; and

873 (iii) reimbursement for other expenses involved in the performance of legislative
 874 duties.

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

877 [~~(b) For necessary work done by in-session employees of the Legislature after the~~

878 adjournment of a session, the presiding officer of the house employing that work shall
879 approve payment for the work.]

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

881 **36-11-102 (Effective 05/01/24). Definitions.**

882 As used in this chapter:

883 (1) "Aggregate daily expenditures" means:

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

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

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

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

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

896 (ii) attendance at which is approved by:

897 (A) the speaker of the House of Representatives, if the public official is a member
898 of the House of Representatives or another nonexecutive branch public official;
899 or

900 (B) the president of the Senate, if the public official is a member of the Senate or
901 another nonexecutive branch public official; or

902 (b) (i) to which a public official who holds a position in the executive branch of state
903 government is invited; and

904 (ii) attendance at which is approved by the governor or the lieutenant governor.

905 (3) "Board of education" means:

906 (a) a local school board described in Title 53G, Chapter 4, School Districts;

907 (b) the State Board of Education;

908 (c) the State Charter School Board created under Section 53G-5-201; or

909 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.

910 (4) "Capitol hill complex" means [~~the same as that term is defined in Section 63C-9-102~~]
911 capitol hill, as defined in Section 63O-1-101.

- 912 (5) (a) "Compensation" means anything of economic value, however designated, that is
913 paid, loaned, granted, given, donated, or transferred to an individual for the provision
914 of services or ownership before any withholding required by federal or state law.
- 915 (b) "Compensation" includes:
- 916 (i) a salary or commission;
- 917 (ii) a bonus;
- 918 (iii) a benefit;
- 919 (iv) a contribution to a retirement program or account;
- 920 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
921 Code, and subject to social security deductions, including a payment in excess of
922 the maximum amount subject to deduction under social security law;
- 923 (vi) an amount that the individual authorizes to be deducted or reduced for salary
924 deferral or other benefits authorized by federal law; or
- 925 (vii) income based on an individual's ownership interest.
- 926 (6) "Compensation payor" means a person who pays compensation to a public official in
927 the ordinary course of business:
- 928 (a) because of the public official's ownership interest in the compensation payor; or
929 (b) for services rendered by the public official on behalf of the compensation payor.
- 930 (7) "Education action" means:
- 931 (a) a resolution, policy, or other official action for consideration by a board of education;
- 932 (b) a nomination or appointment by an education official or a board of education;
- 933 (c) a vote on an administrative action taken by a vote of a board of education;
- 934 (d) an adjudicative proceeding over which an education official has direct or indirect
935 control;
- 936 (e) a purchasing or contracting decision;
- 937 (f) drafting or making a policy, resolution, or rule;
- 938 (g) determining a rate or fee; or
939 (h) making an adjudicative decision.
- 940 (8) "Education official" means:
- 941 (a) a member of a board of education;
- 942 (b) an individual appointed to or employed in a position under a board of education, if
943 that individual:
- 944 (i) occupies a policymaking position or makes purchasing or contracting decisions;
945 (ii) drafts resolutions or policies or drafts or makes rules;

- 946 (iii) determines rates or fees;
- 947 (iv) makes decisions relating to an education budget or the expenditure of public
948 money; or
- 949 (v) makes adjudicative decisions; or
- 950 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 951 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an
952 individual participates in or is a spectator at, including a sporting event, an artistic event,
953 a play, a movie, dancing, or singing.
- 954 (10) "Executive action" means:
- 955 (a) a nomination or appointment by the governor;
- 956 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
957 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 958 (c) agency ratemaking proceedings; or
- 959 (d) an adjudicative proceeding of a state agency.
- 960 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
961 given to or for the benefit of a public official unless consideration of equal or greater
962 value is received:
- 963 (i) a purchase, payment, or distribution;
- 964 (ii) a loan, gift, or advance;
- 965 (iii) a deposit, subscription, or forbearance;
- 966 (iv) services or goods;
- 967 (v) money;
- 968 (vi) real property;
- 969 (vii) a ticket or admission to an event; or
- 970 (viii) a contract, promise, or agreement, whether or not legally enforceable, to
971 provide any item listed in Subsections (11)(a)(i) through (vii).
- 972 (b) "Expenditure" does not mean:
- 973 (i) a commercially reasonable loan made in the ordinary course of business;
- 974 (ii) a campaign contribution:
- 975 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
976 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any
977 applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
- 978 (B) lawfully given to a person that is not required to report the contribution under
979 a law or ordinance described in Subsection (11)(b)(ii)(A);

- 980 (iii) printed informational material that is related to the performance of the recipient's
981 official duties;
- 982 (iv) a devise or inheritance;
- 983 (v) any item listed in Subsection (11)(a) if:
- 984 (A) given by a relative;
- 985 (B) given by a compensation payor for a purpose solely unrelated to the public
986 official's position as a public official;
- 987 (C) the item is food or beverage with a value that does not exceed the food
988 reimbursement rate, and the aggregate daily expenditures for food and
989 beverage do not exceed the food reimbursement rate; or
- 990 (D) the item is not food or beverage, has a value of less than \$10, and the
991 aggregate daily expenditures do not exceed \$10;
- 992 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
993 following are invited:
- 994 (A) all members of the Legislature;
- 995 (B) all members of a standing or interim committee;
- 996 (C) all members of an official legislative task force;
- 997 (D) all members of a party caucus; or
- 998 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D)
999 who are attending a meeting of a national organization whose primary purpose
1000 is addressing general legislative policy;
- 1001 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
1002 official who is:
- 1003 (A) giving a speech at the event, tour, or meeting;
- 1004 (B) participating in a panel discussion at the event, tour, or meeting; or
- 1005 (C) presenting or receiving an award at the event, tour, or meeting;
- 1006 (viii) a plaque, commendation, or award that:
- 1007 (A) is presented in public; and
- 1008 (B) has the name of the individual receiving the plaque, commendation, or award
1009 inscribed, etched, printed, or otherwise permanently marked on the plaque,
1010 commendation, or award;
- 1011 (ix) a gift that:
- 1012 (A) is an item that is not consumable and not perishable;
- 1013 (B) a public official, other than a local official or an education official, accepts on

- 1014 behalf of the state;
- 1015 (C) the public official promptly remits to the state;
- 1016 (D) a property administrator does not reject under Section 63G-23-103;
- 1017 (E) does not constitute a direct benefit to the public official before or after the
- 1018 public official remits the gift to the state; and
- 1019 (F) after being remitted to the state, is not transferred, divided, distributed, or used
- 1020 to distribute a gift or benefit to one or more public officials in a manner that
- 1021 would otherwise qualify the gift as an expenditure if the gift were given
- 1022 directly to a public official;
- 1023 (x) any of the following with a cash value not exceeding \$30:
- 1024 (A) a publication; or
- 1025 (B) a commemorative item;
- 1026 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose
- 1027 of which is:
- 1028 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11,
- 1029 Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section
- 1030 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under
- 1031 Subsection 10-3-208(6) or 17-16-6.5(1);
- 1032 (B) to solicit a campaign contribution that a person is not required to report under
- 1033 a law or ordinance described in Subsection (11)(b)(xi)(A); or
- 1034 (C) charitable solicitation, as defined in Section 13-22-2;
- 1035 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
- 1036 activity;
- 1037 (xiii) sponsorship of an approved activity;
- 1038 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
- 1039 or from an event, a tour, or a meeting:
- 1040 (A) that is sponsored by a governmental entity;
- 1041 (B) that is widely attended and related to a governmental duty of a public official;
- 1042 (C) for a local official, that is sponsored by an organization that represents only
- 1043 local governments, including the Utah Association of Counties, the Utah
- 1044 League of Cities and Towns, or the Utah Association of Special Districts; or
- 1045 (D) for an education official, that is sponsored by a public school, a charter
- 1046 school, or an organization that represents only public schools or charter
- 1047 schools, including the Utah Association of Public Charter Schools, the Utah

- 1048 School Boards Association, or the Utah School Superintendents Association; or
1049 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
1050 public official if that travel results in a financial savings to:
1051 (A) for a public official who is not a local official or an education official, the
1052 state; or
1053 (B) for a public official who is a local official or an education official, the local
1054 government or board of education to which the public official belongs.
- 1055 (12) "Food reimbursement rate" means the total amount set by the director of the Division
1056 of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
1057 employee of the executive branch, for an entire day.
- 1058 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract
1059 with a foreign government.
1060 (b) "Foreign agent" does not include an individual who is recognized by the United
1061 States Department of State as a duly accredited diplomatic or consular officer of a
1062 foreign government, including a duly accredited honorary consul.
- 1063 (14) "Foreign government" means a government other than the government of:
1064 (a) the United States;
1065 (b) a state within the United States;
1066 (c) a territory or possession of the United States; or
1067 (d) a political subdivision of the United States.
- 1068 (15) (a) "Government officer" means:
1069 (i) an individual elected to a position in state or local government, when acting in the
1070 capacity of the state or local government position;
1071 (ii) an individual elected to a board of education, when acting in the capacity of a
1072 member of a board of education;
1073 (iii) an individual appointed to fill a vacancy in a position described in Subsection
1074 (15)(a)(i) or (ii), when acting in the capacity of the position; or
1075 (iv) an individual appointed to or employed in a full-time position by state
1076 government, local government, or a board of education, when acting in the
1077 capacity of the individual's appointment or employment.
1078 (b) "Government officer" does not mean a member of the legislative branch of state
1079 government.
- 1080 (16) "Immediate family" means:
1081 (a) a spouse;

- 1082 (b) a child residing in the household; or
1083 (c) an individual claimed as a dependent for tax purposes.
- 1084 (17) "Legislative action" means:
1085 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
1086 proposed in either house of the Legislature or its committees or requested by a
1087 legislator; and
1088 (b) the action of the governor in approving or vetoing legislation.
- 1089 (18) "Lobbying" means communicating with a public official for the purpose of influencing
1090 a legislative action, executive action, local action, or education action.
- 1091 (19) (a) "Lobbyist" means:
1092 (i) an individual who is employed by a principal; or
1093 (ii) an individual who contracts for economic consideration, other than
1094 reimbursement for reasonable travel expenses, with a principal to lobby a public
1095 official.
- 1096 (b) "Lobbyist" does not include:
1097 (i) a government officer;
1098 (ii) a member or employee of the legislative branch of state government;
1099 (iii) a person, including a principal, while appearing at, or providing written
1100 comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah
1101 Administrative Rulemaking Act, or Title 63G, Chapter 4, Administrative
1102 Procedures Act;
1103 (iv) a person participating on or appearing before an advisory or study task force,
1104 commission, board, or committee, constituted by the Legislature, a local
1105 government, a board of education, or any agency or department of state
1106 government, except legislative standing, appropriation, or interim committees;
1107 (v) a representative of a political party;
1108 (vi) an individual representing a bona fide church solely for the purpose of protecting
1109 the right to practice the religious doctrines of the church, unless the individual or
1110 church makes an expenditure that confers a benefit on a public official;
1111 (vii) a newspaper, television station or network, radio station or network, periodical
1112 of general circulation, or book publisher for the purpose of publishing news items,
1113 editorials, other comments, or paid advertisements that directly or indirectly urge
1114 legislative action, executive action, local action, or education action;
1115 (viii) an individual who appears on the individual's own behalf before a committee of

- 1116 the Legislature, an agency of the executive branch of state government, a board of
 1117 education, the governing body of a local government, a committee of a local
 1118 government, or a committee of a board of education, solely for the purpose of
 1119 testifying in support of or in opposition to legislative action, executive action,
 1120 local action, or education action; or
- 1121 (ix) an individual representing a business, entity, or industry, who:
- 1122 (A) interacts with a public official, in the public official's capacity as a public
 1123 official, while accompanied by a registered lobbyist who is lobbying in relation
 1124 to the subject of the interaction or while presenting at a legislative committee
 1125 meeting at the same time that the registered lobbyist is attending another
 1126 legislative committee meeting; and
- 1127 (B) does not make an expenditure for, or on behalf of, a public official in relation
 1128 to the interaction or during the period of interaction.
- 1129 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any
 1130 combination of lobbyists, principals, and government officers, who each contribute a
 1131 portion of an expenditure made to benefit a public official or member of the public
 1132 official's immediate family.
- 1133 (21) "Local action" means:
- 1134 (a) an ordinance or resolution for consideration by a local government;
- 1135 (b) a nomination or appointment by a local official or a local government;
- 1136 (c) a vote on an administrative action taken by a vote of a local government's legislative
 1137 body;
- 1138 (d) an adjudicative proceeding over which a local official has direct or indirect control;
- 1139 (e) a purchasing or contracting decision;
- 1140 (f) drafting or making a policy, resolution, or rule;
- 1141 (g) determining a rate or fee; or
- 1142 (h) making an adjudicative decision.
- 1143 (22) "Local government" means:
- 1144 (a) a county, city, town, or metro township;
- 1145 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities
 1146 - Special Districts;
- 1147 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
 1148 Act;
- 1149 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local

- 1150 Government Entities - Community Reinvestment Agency Act;
- 1151 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 1152 (f) a redevelopment agency; or
- 1153 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
- 1154 13, Interlocal Cooperation Act.
- 1155 (23) "Local official" means:
- 1156 (a) an elected member of a local government;
- 1157 (b) an individual appointed to or employed in a position in a local government if that
- 1158 individual:
- 1159 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 1160 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 1161 (iii) determines rates or fees; or
- 1162 (iv) makes adjudicative decisions; or
- 1163 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 1164 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make
- 1165 a decision, including a conference, seminar, or summit.
- 1166 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
- 1167 represents two or more clients and divides the aggregate daily expenditure made to
- 1168 benefit a public official or member of the public official's immediate family between
- 1169 two or more of those clients.
- 1170 (26) "Principal" means a person that employs an individual to perform lobbying, either as
- 1171 an employee or as an independent contractor.
- 1172 (27) "Public official" means:
- 1173 (a) (i) a member of the Legislature;
- 1174 (ii) an individual elected to a position in the executive branch of state government; or
- 1175 (iii) an individual appointed to or employed in a position in the executive or
- 1176 legislative branch of state government if that individual:
- 1177 (A) occupies a policymaking position or makes purchasing or contracting
- 1178 decisions;
- 1179 (B) drafts legislation or makes rules;
- 1180 (C) determines rates or fees; or
- 1181 (D) makes adjudicative decisions;
- 1182 (b) an immediate family member of a person described in Subsection (27)(a);
- 1183 (c) a local official; or

- 1184 (d) an education official.
- 1185 (28) "Public official type" means a notation to identify whether a public official is:
- 1186 (a) (i) a member of the Legislature;
- 1187 (ii) an individual elected to a position in the executive branch of state government;
- 1188 (iii) an individual appointed to or employed in a position in the legislative branch of
- 1189 state government who meets the definition of public official under Subsection
- 1190 (27)(a)(iii);
- 1191 (iv) an individual appointed to or employed in a position in the executive branch of
- 1192 state government who meets the definition of public official under Subsection
- 1193 (27)(a)(iii);
- 1194 (v) a local official, including a description of the type of local government for which
- 1195 the individual is a local official; or
- 1196 (vi) an education official, including a description of the type of board of education for
- 1197 which the individual is an education official; or
- 1198 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or
- 1199 (d).
- 1200 (29) "Quarterly reporting period" means the three-month period covered by each financial
- 1201 report required under Subsection 36-11-201(2)(a).
- 1202 (30) "Related person" means a person, agent, or employee who knowingly and intentionally
- 1203 assists a lobbyist, principal, or government officer in lobbying.
- 1204 (31) "Relative" means:
- 1205 (a) a spouse;
- 1206 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,
- 1207 sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
- 1208 (c) a spouse of an individual described in Subsection (31)(b).
- 1209 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
- 1210 official, and not primarily for entertainment, including:
- 1211 (a) viewing a facility;
- 1212 (b) viewing the sight of a natural disaster; or
- 1213 (c) assessing a circumstance in relation to which a public official may need to take
- 1214 action within the scope of the public official's duties.

1215 Section 11. Section **36-12-1** is amended to read:

1216 **36-12-1 (Effective 05/01/24). Definitions.**

1217 As used in this chapter:

- 1218 ~~[(1) (a) "Interim committees" means legislative committees that are formed from the~~
 1219 ~~membership of each house to function between sessions of the Legislature in order to~~
 1220 ~~study subjects of legislative concern.]~~
- 1221 ~~[(b) "Interim committees" includes a commission, committee, council, task force, board, or~~
 1222 ~~panel, in which legislative participation is required by law, which committee functions~~
 1223 ~~between sessions of the Legislature.]~~
- 1224 (1) "Interim committee" means the same as that term is defined in legislative rule.
- 1225 (2) "Legislative director" means the director of the Office of Legislative Research and
 1226 General Counsel, the legislative fiscal analyst, or the legislative auditor general.
- 1227 (3) "Major political party" means either of the two political parties having the greatest
 1228 number of members elected to the two [houses] chambers of the Legislature.
- 1229 (4) "Professional legislative staff" means the legislative directors and the members of their
 1230 staffs.
- 1231 ~~[(5) "Standing committees" means legislative committees organized under the rules of~~
 1232 ~~each house of the Legislature for the duration of the legislative biennial term to consider~~
 1233 ~~proposed legislation. As used in this chapter, "standing committees" excludes~~
 1234 ~~appropriations committees, appropriations subcommittees, and rules committees.]~~
- 1235 (5) "Standing committee" means a Senate or House committee established under Senate or
 1236 House rule for the purpose of considering proposed legislation.

1237 Section 12. Section **36-12-6** is amended to read:

1238 **36-12-6 (Effective 05/01/24). Permanent committees -- House and Senate**
 1239 **management -- Members -- Chair -- Legislative Management Committee --**
 1240 **Membership -- Chair and vice-chair -- Meetings -- Quorum.**

- 1241 (1) There are hereby established as permanent committees of the Legislature a House
 1242 Management Committee and a Senate Management Committee. The House
 1243 Management Committee shall consist of eight members of the House of Representatives,
 1244 four from each major political party. The membership shall include the elected
 1245 leadership of the House of Representatives and additional members chosen at the
 1246 beginning of each annual general session by the minority party caucus as needed to
 1247 complete the full membership. The chair of the committee shall be the speaker of the
 1248 House of Representatives or the speaker's designee. The Senate Management
 1249 Committee shall consist of eight members of the Senate, four from each major political
 1250 party. The membership shall include the elected leadership of the Senate and additional
 1251 members chosen at the beginning of each annual general session by the appropriate

- 1252 party caucus as needed to complete the full membership. The chair of the committee
 1253 shall be the president of the Senate or the president's designee.
- 1254 (2) (a) There is established a permanent committee of the Legislature known as the
 1255 Legislative Management Committee.
- 1256 (b) The committee shall consist of:
- 1257 (i) the members of the House Management Committee; and
 1258 (ii) the members of the Senate Management Committee.
- 1259 (c) (i) The president of the Senate or the president's designee shall be chair during
 1260 1987, and the speaker of the House of Representatives or the speaker's designee
 1261 shall be vice-chair of the committee during that year.
- 1262 (ii) The positions of chair and vice-chair of the Legislative Management Committee
 1263 shall rotate annually between these two officers in succeeding years.
- 1264 (d) The committee shall meet as often as is necessary to perform its duties, but not less
 1265 than once each quarter.
- 1266 (e) If any vote of the committee results in a tie, the president of the Senate and speaker
 1267 of the House of Representatives may together cast an additional vote to break the tie.
- 1268 (3) If a legislator declines membership on the committees established by this section, or if a
 1269 vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party
 1270 of the [house] chamber in which the vacancy occurs.
- 1271 (4) The committees established by this section shall meet not later than 60 days after the
 1272 adjournment sine die of the annual general session held in even-numbered years and not
 1273 later than 30 days after the adjournment sine die of the annual general session held in
 1274 odd-numbered years for the purpose of effecting their organization and prescribing rules
 1275 and policies pertaining to their respective powers and duties. A majority of the members
 1276 of each committee constitutes a quorum, and a majority of a quorum has authority to act
 1277 in any matter falling within the jurisdiction of the committee.

1278 Section 13. Section **36-12-7** is amended to read:

1279 **36-12-7 (Effective 05/01/24). Legislative Management Committee -- Duties --**

1280 **Litigation.**

- 1281 (1) The Senate or House Management Committee shall:
- 1282 (a) receive legislative resolutions directing studies on legislative matters and may assign
 1283 these studies to the appropriate interim committee of its [house] chamber;
- 1284 (b) assign to interim committees of the same [house] chamber, matters of legislative
 1285 study not specifically contained in a legislative resolution but considered significant

- 1286 to the welfare of the state;
- 1287 (c) receive requests from interim committees of its [~~house~~] chamber for matters to be
- 1288 included on the study agenda of the requesting committee. Appropriate bases for
- 1289 denying a study include inadequate funding to properly complete the study or
- 1290 duplication of the work;
- 1291 (d) establish a budget account for interim committee day as designated by Legislative
- 1292 Management Committee and for all other legislative committees of its [~~house~~]
- 1293 chamber and allocate to that account sufficient funds to adequately provide for the
- 1294 work of the committee; and
- 1295 (e) designate the time and place for periodic meetings of the interim committees.
- 1296 (2) To maximize the use of legislators' available time, the Senate and House Management
- 1297 Committees should attempt to schedule the committee meetings of their respective [~~houses~~]
- 1298 chambers during the same one or two-day period each month. This does not
- 1299 preclude an interim committee from meeting at any time it determines necessary to
- 1300 complete its business.
- 1301 (3) (a) The Legislative Management Committee shall:
- 1302 [~~(a) employ~~]
- 1303 (i) appoint, after recommendation of the appropriate subcommittee of the Legislative
- 1304 Management Committee, without regard to political affiliation, and subject to
- 1305 approval of a majority vote of both [~~houses, persons~~] chambers, individuals
- 1306 qualified for the positions of director of the Office of Legislative Research and
- 1307 General Counsel, legislative fiscal analyst, legislative general counsel, and
- 1308 legislative auditor general[~~. Appointments to these positions shall be for terms of~~
- 1309 ~~six years subject to renewal under the same procedure as the original appointment.~~
- 1310 ~~A person may be removed from any of these offices before the expiration of the~~
- 1311 ~~person's term only by a majority vote of both houses of the Legislature or by a~~
- 1312 ~~two-thirds vote of the management committee for such causes as inefficiency,~~
- 1313 ~~incompetency, failure to maintain skills or adequate performance levels,~~
- 1314 ~~insubordination, misfeasance, malfeasance, or nonfeasance in office. If a vacancy~~
- 1315 ~~occurs in any of these offices after adjournment of the Legislature, the committee~~
- 1316 ~~shall appoint an individual to fill the vacancy until such time as the person is~~
- 1317 ~~approved or rejected by majority vote of the next session of the Legislature];~~
- 1318 [(~~b~~) (ii) develop policies for personnel management, compensation, and training of
- 1319 all professional legislative staff;

- 1320 [~~(e)~~] (iii) develop a policy within the limits of legislative appropriation for the
 1321 authorization and payment to legislators of compensation and travel expenses,
 1322 including out-of-state travel;
- 1323 [~~(d)~~] (iv) approve special study budget requests of the legislative directors; and
 1324 [~~(e)~~] (v) assist the speaker-elect of the House of Representatives and the
 1325 president-elect of the Senate, upon selection by their majority party caucus, to
 1326 organize their respective [~~houses~~] chambers of the Legislature and assume the
 1327 direction of the operation of the Legislature in the forthcoming annual general
 1328 session.
- 1329 (b) (i) (A) An appointment under Subsection (3)(a)(i) is for a six-year term,
 1330 subject to renewal by a majority vote of the Legislative Management
 1331 Committee.
- 1332 (B) Each renewal is for an additional six-year term and is not subject to approval
 1333 by the Legislature.
- 1334 (ii) The Legislature by a majority vote of both chambers or the Legislative
 1335 Management Committee by a two-thirds vote may remove an individual appointed
 1336 under this Subsection (3) before the expiration of the individual's term for such
 1337 causes as inefficiency, incompetency, failure to maintain skills or adequate
 1338 performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in
 1339 office.
- 1340 (c) If a vacancy occurs in a position appointed under this Subsection (3), the Legislative
 1341 Management Committee shall appoint an individual to fill the vacancy until the
 1342 Legislature approves or rejects the individual's appointment by a majority vote of
 1343 both chambers.
- 1344 (4) (a) The Legislature delegates to the Legislative Management Committee the
 1345 authority, by means of a majority vote of the committee, to direct the legislative
 1346 general counsel in matters involving the Legislature's participation in litigation.
- 1347 (b) The Legislature has an unconditional right to intervene in a state court action and
 1348 may provide evidence or argument, written or oral, if a party to that court action
 1349 challenges:
- 1350 (i) the constitutionality of a state statute;
 1351 (ii) the validity of legislation; or
 1352 (iii) any action of the Legislature.
- 1353 (c) In a federal court action that challenges the constitutionality of a state statute, the

1354 validity of legislation, or any action of the Legislature, the Legislature may seek to
 1355 intervene, to file an amicus brief, or to present argument in accordance with federal
 1356 rules of procedure.

1357 (d) Intervention by the Legislature pursuant to Subsection (4)(b) or (c) does not limit the
 1358 duty of the attorney general to appear and prosecute legal actions or defend state
 1359 agencies, officers or employees as otherwise provided by law.

1360 (e) In any action in which the Legislature intervenes or participates, legislative counsel
 1361 and the attorney general shall function independently from each other in the
 1362 representation of their respective clients.

1363 (f) The attorney general shall notify the legislative general counsel of a claim in
 1364 accordance with Subsection 67-5-1(1)(y).

1365 Section 14. Section **36-12-8** is amended to read:

1366 **36-12-8 (Effective 05/01/24). Legislative Management Committee -- Research**
 1367 **and General Counsel Subcommittee -- Budget Subcommittee -- Audit**
 1368 **Subcommittee -- Duties -- Members -- Meetings.**

1369 (1) There are created within the Legislative Management Committee:

1370 (a) the Research and General Counsel Subcommittee;

1371 (b) the Budget Subcommittee; and

1372 (c) the Audit Subcommittee.

1373 [~~(2) (a) The Research and General Counsel Subcommittee, comprising six members, shall~~
 1374 ~~recommend to the Legislative Management Committee a person or persons to hold the~~
 1375 ~~positions of director of the Office of Legislative Research and General Counsel and~~
 1376 ~~legislative general counsel.]~~

1377 [~~(b) The Budget Subcommittee, comprising six members, shall recommend to the~~
 1378 ~~Legislative Management Committee a person to hold the position of legislative fiscal~~
 1379 ~~analyst.]~~

1380 (2) (a) The Research and General Counsel Subcommittee shall comprise:

1381 (i) the president, majority leader, and minority leader of the Senate; and

1382 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1383 (b) The Research and General Counsel Subcommittee shall recommend to the

1384 Legislative Management Committee a person or persons to hold the positions of

1385 director of the Office of Legislative Research and General Counsel and legislative

1386 general counsel.

1387 (3) (a) The Budget Subcommittee shall comprise:

- 1388 (i) the president, majority leader, and minority leader of the Senate; and
 1389 (ii) the speaker, majority leader, and minority leader of the House of Representatives.
- 1390 (b) The Budget Subcommittee shall recommend to the Legislative Management
 1391 Committee a person to hold the position of legislative fiscal analyst.
- 1392 [(e)] (4) (a) The Audit Subcommittee shall comprise:
 1393 (i) the president, majority leader, and minority leader of the Senate; and
 1394 (ii) the speaker, majority leader, and minority leader of the House of Representatives.
- 1395 [(d)] (b) The Audit Subcommittee shall:
 1396 (i) recommend to the Legislative Management Committee a person to hold the
 1397 position of legislative auditor general; and
 1398 (ii) (A) review all requests for audits;
 1399 (B) prioritize those requests;
 1400 (C) hear all audit reports and refer those reports to other legislative committees for
 1401 their further review and action as appropriate; and
 1402 (D) when notified by the legislative auditor general or state auditor that a
 1403 subsequent audit has found that an entity has not implemented a previous audit
 1404 recommendation, refer the audit report to an appropriate legislative committee
 1405 and also ensure that an appropriate legislative committee conducts a review of
 1406 the entity that has not implemented the previous audit recommendation.
- 1407 [~~(3) The members of each subcommittee of the Legislative Management Committee, other~~
 1408 ~~than the Audit Subcommittee, shall have equal representation from each major political~~
 1409 ~~party and shall be appointed from the membership of the Legislative Management~~
 1410 ~~Committee by an appointments committee comprised of the speaker and the minority~~
 1411 ~~leader of the House of Representatives and the president and the minority leader of the~~
 1412 ~~Senate.]~~
- 1413 [(4)] (5) Each subcommittee of the Legislative Management Committee:
 1414 (a) shall meet as often as necessary to perform its duties; and
 1415 (b) may meet during and between legislative sessions.
- 1416 Section 15. Section **36-12-8.1** is amended to read:
 1417 **36-12-8.1 (Effective 05/01/24). Legislative Management Committee --**
 1418 **Subcommittee on Oversight -- Members -- Duties -- Meetings.**
- 1419 (1) There is created within the Legislative Management Committee a Subcommittee on
 1420 Oversight comprised of the following members:
 1421 (a) from the Senate:

- 1422 (i) the president;
- 1423 (ii) the majority leader;
- 1424 (iii) the minority leader; and
- 1425 (iv) the minority whip;
- 1426 (b) from the House of Representatives:
- 1427 (i) the speaker;
- 1428 (ii) the majority leader;
- 1429 (iii) the minority leader; and
- 1430 (iv) the minority whip.
- 1431 (2) The Subcommittee on Oversight shall~~[: (a)]~~ meet no later than November 1 of each
- 1432 year to review and approve the budget for the Office of the Legislative Fiscal
- 1433 Analyst, the Office of Legislative Research and General Counsel, and the Office of
- 1434 the Legislative Auditor General~~[: and]~~ .
- 1435 ~~[(b) provide an annual performance review for the legislative fiscal analyst, the director~~
- 1436 ~~of the Office of Legislative Research and General Counsel, the legislative general~~
- 1437 ~~counsel, and the legislative auditor general.]~~
- 1438 ~~[(3) (a) This subcommittee shall meet no later than:]~~
- 1439 ~~[(i) June 1st of each year to receive and evaluate the results of the annual performance~~
- 1440 ~~reviews; and]~~
- 1441 ~~[(ii) November 1st of each year to review and approve the budgets of the Office of the~~
- 1442 ~~Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and~~
- 1443 ~~the Office of the Legislative Auditor General.]~~
- 1444 ~~[(b) This subcommittee may meet at other times as often as necessary to perform its duties.]~~
- 1445 Section 16. Section **36-12-9.5** is amended to read:
- 1446 **36-12-9.5 (Effective 05/01/24). Obstructing a legislative proceeding.**
- 1447 (1) As used in this section, "legislative proceeding" means an investigation or audit
- 1448 conducted by:
- 1449 (a) the Legislature, or a ~~[house]~~ chamber, committee, subcommittee, or task force of the
- 1450 Legislature; or
- 1451 (b) an employee or independent contractor of an entity described in Subsection (1)(a), at
- 1452 or under the direction of an entity described in Subsection (1)(a).
- 1453 (2) Except as described in Subsection (3), a person is guilty of a class A misdemeanor if the
- 1454 person, with intent to hinder, delay, or prevent a legislative proceeding:
- 1455 (a) provides a person with a weapon;

- 1456 (b) prevents a person, by force, intimidation, or deception, from performing any act that
 1457 might aid the legislative proceeding;
- 1458 (c) alters, destroys, conceals, or removes any item or other thing;
- 1459 (d) makes, presents, or uses an item, document, or thing known by the person to be false;
- 1460 (e) makes a false material statement, not under oath, to:
- 1461 (i) the Legislature, or a [house] chamber, committee, subcommittee, or task force of
 1462 the Legislature; or
- 1463 (ii) an employee or independent contractor of an entity described in Subsection
 1464 (2)(e)(i);
- 1465 (f) harbors or conceals a person;
- 1466 (g) provides a person with transportation, disguise, or other means of avoiding discovery
 1467 or service of process;
- 1468 (h) warns any person of impending discovery or service of process;
- 1469 (i) conceals an item, information, document, or thing that is not privileged after a
 1470 legislative subpoena is issued for the item, information, document, or thing; or
- 1471 (j) provides false information regarding a witness or a material aspect of the legislative
 1472 proceeding.
- 1473 (3) Subsection (2) does not include:
- 1474 (a) false or inconsistent material statements, as described in Section 76-8-502;
- 1475 (b) tampering with a witness or soliciting or receiving a bribe, as described in Section
 1476 76-8-508;
- 1477 (c) retaliation against a witness, victim, or informant, as described in Section 76-8-508.3;
 1478 or
- 1479 (d) extortion or bribery to dismiss a criminal proceeding, as described in Section
 1480 76-8-509.

1481 Section 17. Section **36-12-19** is amended to read:

1482 **36-12-19 (Effective 05/01/24). Investigatory powers of the Legislature.**

1483 In the discharge of its legislative investigatory powers, the Legislature, or either [
 1484 house] chamber or any committee thereof, may:

- 1485 (1) administer oaths; and
- 1486 (2) issue subpoenas, compel the attendance of witnesses and the production of any papers,
 1487 books, accounts, documents, other tangible things, and testimony, by following the
 1488 procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

1489 Section 18. Section **41-6a-1401** is amended to read:

1490 **41-6a-1401 (Effective 05/01/24). Standing or parking vehicles -- Restrictions and**
1491 **exceptions.**

- 1492 (1) Except when necessary to avoid conflict with other traffic, or in compliance with law,
1493 the directions of a peace officer, or a traffic-control device, a person may not:
- 1494 (a) stop, stand, or park a vehicle:
- 1495 (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a
1496 street;
- 1497 (ii) on a sidewalk;
- 1498 (iii) within an intersection;
- 1499 (iv) on a crosswalk;
- 1500 (v) between a safety zone and the adjacent curb or within 30 feet of points on the
1501 curb immediately opposite the ends of a safety zone, unless a different length is
1502 indicated by signs or markings;
- 1503 (vi) alongside or opposite any street excavation or obstruction when stopping,
1504 standing, or parking would obstruct traffic;
- 1505 (vii) on any bridge or other elevated structure, on a highway, or within a highway
1506 tunnel;
- 1507 (viii) on any railroad tracks;
- 1508 (ix) on any controlled-access highway;
- 1509 (x) in the area between roadways of a divided highway, including crossovers; or
- 1510 (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
- 1511 (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or
1512 discharge a passenger or passengers:
- 1513 (i) in front of a public or private driveway;
- 1514 (ii) within 15 feet of a fire hydrant;
- 1515 (iii) within 20 feet of a crosswalk;
- 1516 (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or
1517 traffic-control signal located at the side of a roadway;
- 1518 (v) within 20 feet of the driveway entrance to any fire station and on the side of a
1519 street opposite the entrance to any fire station within 75 feet of the entrance when
1520 properly signposted;
- 1521 (vi) at any place where a traffic-control device prohibits standing; or
- 1522 (vii) at [~~the capitol hill complex as defined in Section 63C-9-102]~~ capitol hill, as
1523 defined in Section 63O-1-101, in a parking space identified as reserved for

- 1524 specific users, without:
- 1525 (A) approval by the executive director of the State Capitol Preservation Board
- 1526 created in Section [~~63C-9-201~~] 63O-2-201; and
- 1527 (B) a properly displayed placard or other identifying marker approved by the
- 1528 executive director of the State Capitol Preservation Board to indicate this
- 1529 approval; or
- 1530 (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and
- 1531 while actually engaged in loading or unloading property or passengers:
- 1532 (i) within 50 feet of the nearest rail of a railroad crossing; or
- 1533 (ii) at any place where traffic-control devices prohibit parking.
- 1534 (2) A person may not move a vehicle that is not lawfully under the person's control into any
- 1535 prohibited area or into an unlawful distance from the curb.
- 1536 (3) This section does not apply to a tow truck motor carrier responding to a customer
- 1537 service call if the tow truck motor carrier has already received authorization from the
- 1538 local law enforcement agency in the jurisdiction where the vehicle to be towed is located.
- 1539 Section 19. Section **49-11-406** is amended to read:
- 1540 **49-11-406 (Effective 05/01/24). Governor's appointed executives and senior staff**
- 1541 **-- Appointed legislative employees -- Transfer of value of accrued defined benefit --**
- 1542 **Procedures.**
- 1543 (1) As used in this section:
- 1544 (a) "Defined benefit balance" means the total amount of the contributions made on
- 1545 behalf of a member to a defined benefit system plus refund interest.
- 1546 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
- 1547 executive director, or director and includes a deputy director and other similar, at-will
- 1548 employee positions designated by the governor, the speaker of the House, or the
- 1549 president of the Senate and filed with the Division of Human Resource Management
- 1550 and the Utah State Retirement Office.
- 1551 (2) In accordance with this section and subject to requirements under federal law and rules
- 1552 made by the board, a member who has service credit from a system may elect to be
- 1553 exempt from coverage under a defined benefit system and to have the member's defined
- 1554 benefit balance transferred from the defined benefit system or plan to a defined
- 1555 contribution plan in the member's own name if the member is:
- 1556 (a) the state auditor;
- 1557 (b) the state treasurer;

- 1558 (c) an appointed executive under Subsection 67-22-2(1)(a);
 1559 (d) an employee in the Governor's Office;
 1560 (e) senior staff in the Governor's Office of Planning and Budget;
 1561 (f) senior staff in the Governor's Office of Economic Opportunity;
 1562 (g) senior staff in the State Commission on Criminal and Juvenile Justice;
 1563 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section
 1564 63L-11-201;
 1565 (i) a legislative employee appointed under Subsection [~~36-12-7(3)(a)~~] 36-12-7(3); or
 1566 (j) a legislative employee appointed by the speaker of the House of Representatives, the
 1567 House of Representatives minority leader, the president of the Senate, or the Senate
 1568 minority leader.
- 1569 (3) An election made under Subsection (2):
 1570 (a) is final, and no right exists to make any further election;
 1571 (b) is considered a request to be exempt from coverage under a defined benefits system;
 1572 and
 1573 (c) shall be made on forms provided by the office.
- 1574 (4) The board shall adopt rules to implement and administer this section.
 1575 Section 20. Section **53-1-102** is amended to read:
 1576 **53-1-102 (Effective 05/01/24). Definitions.**
- 1577 (1) As used in this title:
 1578 (a) "Capitol hill complex" means [~~the same as that term is defined in Section 63C-9-102~~]
 1579 capitol hill, as defined in Section 63O-1-101.
 1580 (b) "Commissioner" means the commissioner of public safety appointed under Section
 1581 53-1-107.
 1582 (c) "Department" means the Department of Public Safety created in Section 53-1-103.
 1583 (d) "Governor-elect" means an individual whom the board of canvassers determines to
 1584 be the successful candidate for governor after a general election for the office of
 1585 governor.
 1586 (e) "Law enforcement agency" means an entity or division of:
 1587 (i) (A) the federal government, a state, or a political subdivision of a state;
 1588 (B) a state institution of higher education; or
 1589 (C) a private institution of higher education, if the entity or division is certified by
 1590 the commissioner under Title 53, Chapter 19, Certification of Private Law
 1591 Enforcement Agency; and

- 1592 (ii) that exists primarily to prevent and detect crime and enforce criminal laws,
 1593 statutes, and ordinances.
- 1594 (f) "Law enforcement officer" means the same as that term is defined in Section
 1595 53-13-103.
- 1596 (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by
 1597 electric power obtained from overhead trolley wires, but not operated upon rails,
 1598 except motorized wheel chairs and vehicles moved solely by human power.
- 1599 (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,
 1600 Peace Officer Classifications.
- 1601 (i) "Public official" means the same as that term is defined in Section 36-11-102.
- 1602 (j) "State institution of higher education" means the same as that term is defined in
 1603 Section 53B-3-102.
- 1604 (k) "Vehicle" means every device in, upon, or by which any person or property is or may
 1605 be transported or drawn upon a highway, excepting devices used exclusively upon
 1606 stationary rails or tracks.
- 1607 (2) The definitions provided in Subsection (1) are to be applied throughout this title in
 1608 addition to definitions that are applicable to specific chapters or parts.
- 1609 Section 21. Section **53-1-109** is amended to read:
- 1610 **53-1-109 (Effective 05/01/24). Security for capitol complex -- Traffic and parking**
 1611 **rules enforcement for division -- Security personnel as law enforcement officers.**
- 1612 [~~(1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same~~
 1613 ~~meaning as provided in Section 63C-9-102.~~]
- 1614 [~~(2)~~] (1) (a) The commissioner, under the direction of the State Capitol Preservation
 1615 Board, shall:
- 1616 (i) provide for the security of capitol hill [~~facilities and capitol hill grounds~~]; and
 1617 (ii) enforce traffic provisions under Title 41, Chapter 6a, Traffic Code, and parking
 1618 rules, as adopted by the State Capitol Preservation Board, for capitol hill [~~facilities~~
 1619 ~~and capitol hill grounds~~].
- 1620 (b) The commissioner, in cooperation with the director of the Division of Facilities
 1621 Construction and Management shall provide for the security of all grounds and
 1622 buildings under the jurisdiction of the Division of Facilities Construction and
 1623 Management.
- 1624 [~~(3)~~] (2) Security personnel required in Subsection [~~(2)~~] (1) shall be law enforcement officers
 1625 as defined in Section 53-13-103.

1626 ~~[(4)]~~ (3) Security personnel who were actively employed and had five or more years of
 1627 active service with Protective Services within the Utah Highway Patrol Division as
 1628 special function officers, as defined in Section 53-13-105, on June 29, 1996, shall
 1629 become law enforcement officers:

1630 (a) without a requirement of any additional training or examinations, if they have
 1631 completed the entire law enforcement officer training of the Peace Officers Standards
 1632 and Training Division; or

1633 (b) upon completing only the academic portion of the law enforcement officer training
 1634 of the Peace Officers Standards and Training Division.

1635 ~~[(5)]~~ (4) An officer in a supervisory position with Protective Services within the Utah
 1636 Highway Patrol Division shall be allowed to transfer the job title that the officer held on
 1637 April 28, 1996, into a comparable supervisory position of employment as a peace officer
 1638 for as long as the officer remains with Protective Services within the Utah Highway
 1639 Patrol Division.

1640 Section 22. Section **53-8-105** is amended to read:

1641 **53-8-105 (Effective 05/01/24). Duties of Highway Patrol.**

1642 (1) In addition to the duties in this chapter, the Highway Patrol shall:

1643 (a) enforce the state laws and rules governing use of the state highways;

1644 (b) regulate traffic on all highways and roads of the state;

1645 (c) assist the governor in an emergency or at other times at his discretion;

1646 (d) in cooperation with federal, state, and local agencies, enforce and assist in the
 1647 enforcement of all state and federal laws related to the operation of a motor carrier on
 1648 a highway, including all state and federal rules and regulations;

1649 (e) inspect certain vehicles to determine road worthiness and safe condition as provided
 1650 in Section 41-6a-1630;

1651 (f) upon request, assist with any condition of unrest existing or developing on a campus
 1652 or related facility of an institution of higher education;

1653 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the
 1654 state liquor laws;

1655 (h) provide security and protection for both houses of the Legislature while in session as
 1656 the speaker of the House of Representatives and the president of the Senate find
 1657 necessary;

1658 (i) enforce the state laws and rules governing use of ~~the~~ capitol hill ~~complex as~~
 1659 defined in Section ~~63C-9-102~~; and

- 1660 (j) carry out the following for the Supreme Court and the Court of Appeals:
- 1661 (i) provide security and protection to those courts when in session in the capital city
- 1662 of the state;
- 1663 (ii) execute orders issued by the courts; and
- 1664 (iii) carry out duties as directed by the courts.
- 1665 (2) (a) The division and the department shall annually:
- 1666 (i) evaluate the inventory of new and existing state highways, in coordination with
- 1667 relevant local law enforcement agencies, to determine which law enforcement
- 1668 agency is best suited to patrol and enforce state laws and regulate traffic on each
- 1669 state highway; and
- 1670 (ii) before October 1 of each year, report to the Transportation Interim Committee
- 1671 and the Executive Offices and Criminal Justice Appropriations Subcommittee
- 1672 regarding:
- 1673 (A) significant changes to the patrol and enforcement responsibilities resulting
- 1674 from the evaluation described in Subsection (2)(a)(i); and
- 1675 (B) any budget request necessary to accommodate additional patrol and
- 1676 enforcement responsibilities.
- 1677 (b) The division and the department shall, before July 1 of each year, coordinate with the
- 1678 Department of Transportation created in Section 72-1-201 regarding patrol and
- 1679 enforcement responsibilities described in Subsection (2)(a) and incident management
- 1680 services on state highways.

1681 Section 23. Section **53D-2-203** is amended to read:

1682 **53D-2-203 (Effective 05/01/24). Land Trusts Protection and Advocacy Office**

1683 **director -- Appointment -- Removal -- Power and duties.**

- 1684 (1) (a) The advocacy committee shall:
- 1685 (i) discuss candidates who may qualify for appointment as the advocacy director, as
- 1686 described in Subsection (1)(b);
- 1687 (ii) determine the two most qualified candidates; and
- 1688 (iii) submit the names of those two candidates to the state treasurer as potential
- 1689 appointees for the advocacy director.
- 1690 (b) A potential appointee for advocacy director shall have significant expertise and
- 1691 qualifications relating to generating revenue to the school and institutional trust and
- 1692 the duties of the advocacy office and the advocacy director, which may include
- 1693 expertise in:

- 1694 (i) business;
- 1695 (ii) finance;
- 1696 (iii) economics;
- 1697 (iv) natural resources; or
- 1698 (v) advocacy.
- 1699 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint
- 1700 one as the advocacy director.
- 1701 (2) (a) An advocacy director shall serve a four-year term.
- 1702 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and
- 1703 state treasurer shall, in accordance with Subsection (1), appoint a replacement
- 1704 director for a four-year term.
- 1705 (3) The advocacy committee may remove the advocacy director during a meeting that is not
- 1706 closed as described in Section 52-4-204, if:
- 1707 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and
- 1708 (b) a majority of a committee quorum votes to remove the advocacy director.
- 1709 (4) In accordance with state and federal law, the advocacy director may attend a
- 1710 presentation, discussion, meeting, or other gathering related to the school and
- 1711 institutional trust.
- 1712 (5) In order to fulfill the duties of the advocacy office described in Section 53D-2-201, the
- 1713 advocacy director shall:
- 1714 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
- 1715 trustee obligations and duties related to the trust;
- 1716 (b) facilitate open communication among key individuals described in Subsection (5)(a);
- 1717 (c) actively seek necessary and accurate information;
- 1718 (d) review and, if necessary, recommend the state auditor audit, activities involved in:
- 1719 (i) generating trust revenue;
- 1720 (ii) protecting trust assets; or
- 1721 (iii) distributing funds for the exclusive use of trust beneficiaries;
- 1722 (e) promote accurate record keeping of all records relevant to the trust and distribution to
- 1723 trust beneficiaries;
- 1724 (f) report at least quarterly to the advocacy committee and the state treasurer on the
- 1725 current activities of the advocacy office;
- 1726 (g) annually submit a proposed advocacy office budget to the state treasurer;
- 1727 (h) regarding the trust's compliance with law, and among the School and Institutional

- 1728 Trust Lands System as a whole, report annually to:
- 1729 (i) the advocacy committee;
- 1730 (ii) the state treasurer;
- 1731 (iii) the State Board of Education; and
- 1732 (iv) the Executive Appropriations Committee;
- 1733 (i) annually send a financial report regarding the relevant individual trust, and, upon
- 1734 request, report in person to:
- 1735 (i) Utah State University, on behalf of the agricultural college trust;
- 1736 (ii) the University of Utah;
- 1737 (iii) the Utah State Hospital, on behalf of the mental hospital trust;
- 1738 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the institution for the
- 1739 blind trust and the deaf and dumb asylum trust;
- 1740 (v) the youth in custody program at the State Board of Education, on behalf of the
- 1741 reform school trust;
- 1742 (vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the
- 1743 reservoir trust;
- 1744 (vii) the College of Mines and Earth Sciences created in Section 53B-17-401;
- 1745 (viii) each state teachers' college, based on the college's annual number of teacher
- 1746 graduates, on behalf of the normal school trust;
- 1747 (ix) the Miners' Hospital described in Section 53B-17-201; and
- 1748 (x) the State Capitol Preservation Board, created in Section [~~63C-9-201~~] 63O-2-201,
- 1749 on behalf of the public buildings trust;
- 1750 (j) as requested by the state treasurer, draft proposed rules and submit the proposed rules
- 1751 to the advocacy committee for review;
- 1752 (k) in accordance with state and federal law, respond to external requests for information
- 1753 about the School and Institutional Trust Lands System;
- 1754 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:
- 1755 (i) at School and Institutional Trust Lands Administration meetings;
- 1756 (ii) at School and Institutional Trust Fund Office meetings; and
- 1757 (iii) with the media;
- 1758 (m) review proposed legislation that affects the school and institutional trust and trust
- 1759 beneficiaries and advocate for legislative change that best serves the interests of the
- 1760 trust beneficiaries; and
- 1761 (n) educate the public regarding the School and Institutional Trust Lands System.

1762 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
1763 director may have access to the financial reports and other data required for a review.

1764 Section 24. Section **55-5-6** is amended to read:

1765 **55-5-6 (Effective 05/01/24). Definitions.**

1766 As used in this chapter:

1767 (1) "Food service" includes restaurant, cafeteria, snack bar, vending machines for food and
1768 beverages, and goods and services customarily offered in connection with them.

1769 (2) (a) "Public office building" means all county courthouses, all city or town halls, and
1770 all buildings used primarily for governmental offices of the state or any county, city,
1771 or town.

1772 (b) "Public office building" does not include a building or other facility on capitol hill
1773 facilities as defined in Section 63C-9-102], as defined in Section 63O-1-101, public
1774 schools, state colleges, or state universities.

1775 Section 25. Section **63A-5b-102** is amended to read:

1776 **63A-5b-102 (Effective 05/01/24). Definitions.**

1777 As used in this chapter:

1778 [~~(1) "Capitol hill facilities" means the same as that term is defined in Section 63C-9-102.]~~

1779 [~~(2) "Capitol hill grounds" means the same as that term is defined in Section 63C-9-102.]~~

1780 (1) "Capitol hill" means the same as that term is defined in Section 63O-1-101.

1781 [~~(3)~~ (2) "Compliance agency" means the same as that term is defined in Section 15A-1-202.

1782 [~~(4)~~ (3) "Director" means the division director, appointed under Section 63A-5b-302.

1783 [~~(5)~~ (4) "Division" means the Division of Facilities Construction and Management created
1784 in Section 63A-5b-301.

1785 [~~(6)~~ (5) "Institution of higher education" means an institution listed in Subsection
1786 53B-2-101(1).

1787 [~~(7)~~ (6) "Trust lands administration" means the School and Institutional Trust Lands
1788 Administration established in Section 53C-1-201.

1789 [~~(8)~~ (7) "Utah Board of Higher Education" means the Utah Board of Higher Education
1790 established in Section 53B-1-402.

1791 Section 26. Section **63A-5b-303** is amended to read:

1792 **63A-5b-303 (Effective 05/01/24) (Superseded 07/01/24). Duties and authority of**
1793 **division.**

1794 (1) (a) The division shall:

1795 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in

- 1796 accordance with legislative directive through annual appropriations acts, other
 1797 legislation, or statute, to agencies in all buildings or space owned, leased, or
 1798 rented by or to the state, except as provided in Subsection (3) or as otherwise
 1799 provided by statute;
- 1800 (ii) assure the efficient use of all building space under the division's supervision and
 1801 control;
- 1802 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by
 1803 the state or an agency, as authorized by the Legislature through an appropriation
 1804 act, other legislation, or statute, subject to Subsection (1)(c);
- 1805 (iv) except as otherwise provided by statute, hold title to all real property, buildings,
 1806 fixtures, and appurtenances owned by the state or an agency;
- 1807 (v) collect and maintain all deeds, abstracts of title, and all other documents
 1808 evidencing title to or an interest in property belonging to the state or to the state's
 1809 departments, except institutions of higher education and the trust lands
 1810 administration;
- 1811 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and
 1812 (B) include in a market analysis a comparison of the division's rates and fees with
 1813 the rates and fees of other public or private sector providers of comparable
 1814 services, if rates and fees for comparable services are reasonably available;
- 1815 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
 1816 Efficiency, including responsibilities:
- 1817 (A) to implement the state building energy efficiency program under Section
 1818 63A-5b-1002; and
- 1819 (B) related to the approval of loans from the State Facility Energy Efficiency Fund
 1820 under Section 63A-5b-1003;
- 1821 (viii) convey, lease, or dispose of the real property, water rights, or water shares
 1822 associated with the Utah State Developmental Center if directed to do so by the
 1823 Utah State Developmental Center board, as provided in Subsection 26B-6-507(2);
 1824 and
- 1825 (ix) take all other action that the division is required to do under this chapter or other
 1826 applicable statute.
- 1827 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
 1828 conduct one or more studies to determine the actual needs of each agency.
- 1829 (c) The division may, without legislative approval, acquire title to real property for use

- 1830 by the state or an agency if the acquisition cost does not exceed \$500,000.
- 1831 (2) The division may:
- 1832 (a) sue and be sued;
- 1833 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or
- 1834 otherwise, and hold real or personal property necessary for the discharge of the
- 1835 division's duties; and
- 1836 (c) take all other action necessary for carrying out the purposes of this chapter.
- 1837 (3) (a) The division may not supervise or control the allocation of space for an entity in
- 1838 the public education system.
- 1839 [~~(b) The supervision and control of the legislative area is reserved to the Legislature.]~~
- 1840 [~~(e) The supervision and control of capitol hill facilities and capitol hill grounds is~~
- 1841 ~~reserved to the State Capitol Preservation Board.]~~
- 1842 (b) The division may not supervise or control capitol hill or any part of capitol hill.
- 1843 [~~(d)~~] (c) (i) Subject to Subsection [~~(3)(d)(ii)~~] (3)(c)(ii), the supervision and control of
- 1844 the allocation of space for an institution of higher education is reserved to the
- 1845 Utah Board of Higher Education.
- 1846 (ii) The Utah Board of Higher Education shall consult and cooperate with the
- 1847 division in the establishment and enforcement of standards for the supervision and
- 1848 control of the allocation of space for an institution of higher education.
- 1849 [~~(e)~~] (d) (i) Subject to Subsection [~~(3)(e)(ii)~~] (3)(d)(ii), the supervision and control of
- 1850 the allocation of space for the courts of record listed in Subsection 78A-1-101(1)
- 1851 is reserved to the Administrative Office of the Courts referred to in Subsection
- 1852 78A-2-108(3).
- 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
- 1855 control of the allocation of space for the courts of record listed in Subsection
- 1856 78A-1-101(1).
- 1857 (4) Before the division charges a rate, fee, or other amount for a service provided by the
- 1858 division's internal service fund to an executive branch agency, or to a service subscriber
- 1859 other than an executive branch agency, the division shall:
- 1860 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee
- 1861 created in Section 63A-1-114; and
- 1862 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or 63J-1-504.
- 1863 Section 27. Section **63A-5b-303** is amended to read:

1864 **63A-5b-303 (Effective 07/01/24). Duties and authority of division.**

1865 (1) (a) The division shall:

- 1866 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in
1867 accordance with legislative directive through annual appropriations acts, other
1868 legislation, or statute, to agencies in all buildings or space owned, leased, or
1869 rented by or to the state, except as provided in Subsection (3) or as otherwise
1870 provided by statute;
- 1871 (ii) assure the efficient use of all building space under the division's supervision and
1872 control;
- 1873 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by
1874 the state or an agency, as authorized by the Legislature through an appropriation
1875 act, other legislation, or statute, subject to Subsection (1)(c);
- 1876 (iv) except as otherwise provided by statute, hold title to all real property, buildings,
1877 fixtures, and appurtenances owned by the state or an agency;
- 1878 (v) collect and maintain all deeds, abstracts of title, and all other documents
1879 evidencing title to or an interest in property belonging to the state or to the state's
1880 departments, except institutions of higher education and the trust lands
1881 administration;
- 1882 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and
1883 (B) include in a market analysis a comparison of the division's rates and fees with
1884 the rates and fees of other public or private sector providers of comparable
1885 services, if rates and fees for comparable services are reasonably available;
- 1886 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
1887 Efficiency, including responsibilities:
1888 (A) to implement the state building energy efficiency program under Section
1889 63A-5b-1002; and
1890 (B) related to the approval of loans from the State Facility Energy Efficiency Fund
1891 under Section 63A-5b-1003;
- 1892 (viii) convey, lease, or dispose of the real property, water rights, or water shares
1893 associated with the Utah State Developmental Center if directed to do so by the
1894 Utah State Developmental Center board, as provided in Subsection 26B-6-507(2);
1895 and
- 1896 (ix) take all other action that the division is required to do under this chapter or other
1897 applicable statute.

- 1898 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
 1899 conduct one or more studies to determine the actual needs of each agency.
- 1900 (c) The division may, without legislative approval, acquire title to real property for use
 1901 by the state or an agency if the acquisition cost does not exceed \$500,000.
- 1902 (2) The division may:
- 1903 (a) sue and be sued;
- 1904 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or
 1905 otherwise, and hold real or personal property necessary for the discharge of the
 1906 division's duties; and
- 1907 (c) take all other action necessary for carrying out the purposes of this chapter.
- 1908 (3) (a) The division may not supervise or control the allocation of space for an entity in
 1909 the public education system.
- 1910 [~~(b) The supervision and control of the legislative area is reserved to the Legislature.]~~
- 1911 [~~(e) The supervision and control of capitol hill facilities and capitol hill grounds is
 1912 reserved to the State Capitol Preservation Board.]~~
- 1913 (b) The division may not supervise or control capitol hill or any part of capitol hill.
- 1914 [~~(d)~~] (c) (i) Subject to Subsection [~~(3)(d)(ii)~~] (3)(c)(ii), the supervision and control of
 1915 the allocation of space for an institution of higher education is reserved to the
 1916 Utah Board of Higher Education.
- 1917 (ii) The Utah Board of Higher Education shall consult and cooperate with the
 1918 division in the establishment and enforcement of standards for the supervision and
 1919 control of the allocation of space for an institution of higher education.
- 1920 [~~(e)~~] (d) (i) Subject to Subsection [~~(3)(e)(ii)~~] (3)(d)(ii), the supervision and control of
 1921 the allocation of space for the courts of record listed in Subsection 78A-1-101(1)
 1922 is reserved to the Administrative Office of the Courts described in Section
 1923 78A-2-108.
- 1924 (ii) The Administrative Office of the Courts shall consult and cooperate with the
 1925 division in the establishment and enforcement of standards for the supervision and
 1926 control of the allocation of space for the courts of record listed in Subsection
 1927 78A-1-101(1).
- 1928 (4) Before the division charges a rate, fee, or other amount for a service provided by the
 1929 division's internal service fund to an executive branch agency, or to a service subscriber
 1930 other than an executive branch agency, the division shall:
- 1931 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee

- 1932 created in Section 63A-1-114; and
- 1933 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or 63J-1-504.
- 1934 Section 28. Section **63A-5b-607** is amended to read:
- 1935 **63A-5b-607 (Effective 05/01/24). Health insurance requirements -- Penalties.**
- 1936 (1) As used in this section:
- 1937 (a) "Aggregate amount" means the dollar sum of all contracts, change orders, and
- 1938 modifications for a single project.
- 1939 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.
- 1940 (c) "Eligible employee" means an employee, as defined in Section 34A-2-104, who:
- 1941 (i) works at least 30 hours per calendar week; and
- 1942 (ii) meets the employer eligibility waiting period for qualified health insurance
- 1943 coverage provided by the employer.
- 1944 (d) "Health benefit plan" means:
- 1945 (i) the same as that term is defined in Section 31A-1-301; or
- 1946 (ii) an employee welfare benefit plan:
- 1947 (A) established under the Employee Retirement Income Security Act of 1974, 29
- 1948 U.S.C. Sec. 1001 et seq.;
- 1949 (B) for an employer with 100 or more employees; and
- 1950 (C) in which the employer establishes a self-funded or partially self-funded group
- 1951 health plan to provide medical care for the employer's employees and
- 1952 dependents of the employees.
- 1953 (e) "Qualified health insurance coverage" means the same as that term is defined in
- 1954 Section 26B-3-909.
- 1955 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
- 1956 (g) "Third party administrator" or "administrator" means the same as that term is defined
- 1957 in Section 31A-1-301.
- 1958 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 1959 (a) a contractor of a design or construction contract with the division if the prime
- 1960 contract is in an aggregate amount of \$2,000,000 or more; and
- 1961 (b) a subcontractor of a contractor of a design or construction contract with the division
- 1962 if the subcontract is in an aggregate amount of \$1,000,000 or more.
- 1963 (3) The requirements of this section do not apply to a contractor or subcontractor if:
- 1964 (a) the application of this section jeopardizes the division's receipt of federal funds;
- 1965 (b) the contract is a sole source contract, as defined in Section 63G-6a-103; or

- 1966 (c) the contract is the result of an emergency procurement.
- 1967 (4) A person who intentionally uses a change order, contract modification, or multiple
1968 contracts to circumvent the requirements of this section is guilty of an infraction.
- 1969 (5) (a) A contractor that is subject to the requirements of this section shall:
- 1970 (i) make and maintain an offer of qualified health coverage for the contractor's
1971 eligible employees and the eligible employees' dependents; and
- 1972 (ii) submit to the director a written statement demonstrating that the contractor is in
1973 compliance with Subsection (5)(a)(i).
- 1974 (b) A statement under Subsection (5)(a)(ii):
- 1975 (i) shall be from:
- 1976 (A) an actuary selected by the contractor or the contractor's insurer;
- 1977 (B) an underwriter who is responsible for developing the employer group's
1978 premium rates; or
- 1979 (C) if the contractor provides a health benefit plan described in Subsection
1980 (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
- 1981 (ii) may not be created more than one year before the day on which the contractor
1982 submits the statement to the director.
- 1983 (c) (i) A contractor that provides a health benefit plan described in Subsection
1984 (1)(d)(ii) shall provide the actuary or underwriter selected by an administrator, as
1985 described in Subsection (5)(b)(i)(C), sufficient information to determine whether
1986 the contractor's contribution to the health benefit plan and the actuarial value of
1987 the health benefit plan meet the requirements of qualified health coverage.
- 1988 (ii) A contractor may not make a change to the contractor's contribution to the health
1989 benefit plan, unless the contractor provides notice to:
- 1990 (A) the actuary or underwriter selected by an administrator, as described in
1991 Subsection (5)(b)(i)(C), for the actuary or underwriter to update the written
1992 statement described in Subsection (5)(a) in compliance with this section; and
1993 (B) the division.
- 1994 (6) (a) A contractor that is subject to the requirements of this section shall:
- 1995 (i) ensure that each contract the contractor enters with a subcontractor that is subject
1996 to the requirements of this section requires the subcontractor to obtain and
1997 maintain an offer of qualified health coverage for the subcontractor's eligible
1998 employees and the eligible employees' dependents during the duration of the
1999 subcontract; and

- 2000 (ii) obtain from a subcontractor referred to in Subsection (6)(a)(i) a written statement
 2001 demonstrating that the subcontractor offers qualified health coverage to eligible
 2002 employees and eligible employees' dependents.
- 2003 (b) A statement under Subsection (6)(a)(ii):
- 2004 (i) shall be from:
- 2005 (A) an actuary selected by the subcontractor or the subcontractor's insurer;
- 2006 (B) an underwriter who is responsible for developing the employer group's
 2007 premium rates; or
- 2008 (C) if the subcontractor provides a health benefit plan described in Subsection
 2009 (1)(d)(ii), an actuary or underwriter selected by an administrator; and
- 2010 (ii) may not be created more than one year before the day on which the contractor
 2011 obtains the statement from the subcontractor.
- 2012 (7) (a) (i) A contractor that fails to maintain an offer of qualified health coverage
 2013 during the duration of the contract as required in this section is subject to penalties
 2014 in accordance with administrative rules made by the division under this section, in
 2015 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2016 (ii) A contractor is not subject to penalties for the failure of a subcontractor to obtain
 2017 and maintain an offer of qualified health coverage as required in this section.
- 2018 (b) (i) A subcontractor that fails to obtain and maintain an offer of qualified health
 2019 coverage during the duration of the subcontract as required in this section is
 2020 subject to penalties in accordance with administrative rules made by the division
 2021 under this section, in accordance with Title 63G, Chapter 3, Utah Administrative
 2022 Rulemaking Act.
- 2023 (ii) A subcontractor is not subject to penalties for the failure of a contractor to
 2024 maintain an offer of qualified health coverage as required in this section.
- 2025 (8) The division shall make rules:
- 2026 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2027 (b) in coordination with:
- 2028 (i) the Department of Environmental Quality in accordance with Section 19-1-206;
- 2029 (ii) the Department of Natural Resources in accordance with Section 79-2-404;
- 2030 (iii) a public transit district in accordance with Section 17B-2a-818.5;
- 2031 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
 2032 63O-2-403;
- 2033 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

- 2034 (vi) the Legislature's Administrative Rules Review and General Oversight
2035 Committee; and
- 2036 (c) that establish:
- 2037 (i) the requirements and procedures for a contractor and a subcontractor to
2038 demonstrate compliance with this section, including:
- 2039 (A) a provision that a contractor or subcontractor's compliance with this section is
2040 subject to an audit by the division or the Office of the Legislative Auditor
2041 General;
- 2042 (B) a provision that a contractor that is subject to the requirements of this section
2043 obtain a written statement as provided in Subsection (5); and
- 2044 (C) a provision that a subcontractor that is subject to the requirements of this
2045 section obtain a written statement as provided in Subsection (6);
- 2046 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
2047 violates the provisions of this section, which may include:
- 2048 (A) a three-month suspension of the contractor or subcontractor from entering into
2049 a future contract with the state upon the first violation;
- 2050 (B) a six-month suspension of the contractor or subcontractor from entering into a
2051 future contract with the state upon the second violation;
- 2052 (C) an action for debarment of the contractor or subcontractor in accordance with
2053 Section 63G-6a-904 upon the third or subsequent violation; and
- 2054 (D) monetary penalties which may not exceed 50% of the amount necessary to
2055 purchase qualified health coverage for eligible employees and dependents of
2056 eligible employees of the contractor or subcontractor who were not offered
2057 qualified health coverage during the duration of the contract; and
- 2058 (iii) a website for the department to post the commercially equivalent benchmark for
2059 the qualified health coverage that is provided by the Department of Health and
2060 Human Services in accordance with Subsection 26B-3-909(2).
- 2061 (9) During the duration of a contract, the division may perform an audit to verify a
2062 contractor or subcontractor's compliance with this section.
- 2063 (10) (a) Upon the division's request, a contractor or subcontractor shall provide the
2064 division:
- 2065 (i) a signed actuarial certification that the coverage the contractor or subcontractor
2066 offers is qualified health coverage; or
- 2067 (ii) all relevant documents and information necessary for the division to determine

- 2068 compliance with this section.
- 2069 (b) If a contractor or subcontractor provides the documents and information described in
2070 Subsection (10)(a)(i), the Insurance Department shall assist the division in
2071 determining if the coverage the contractor or subcontractor offers is qualified health
2072 coverage.
- 2073 (11) (a) (i) In addition to the penalties imposed under Subsection (7), a contractor or
2074 subcontractor that intentionally violates the provisions of this section is liable to
2075 an eligible employee for health care costs that would have been covered by
2076 qualified health coverage.
- 2077 (ii) An employer has an affirmative defense to a cause of action under Subsection
2078 (11)(a)(i) if:
- 2079 (A) the employer relied in good faith on a written statement described in
2080 Subsection (5) or (6); or
- 2081 (B) the department determines that compliance with this section is not required
2082 under the provisions of Subsection (3).
- 2083 (b) An eligible employee has a private right of action against the employee's employer
2084 only as provided in this Subsection (11).
- 2085 (12) The director shall cause money collected from the imposition and collection of a
2086 penalty under this section to be deposited into the Medicaid Restricted Account created
2087 by Section 26B-1-309.
- 2088 (13) The failure of a contractor or subcontractor to provide qualified health coverage as
2089 required by this section:
- 2090 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
2091 or contractor under:
- 2092 (i) Section 63G-6a-1602; or
2093 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
- 2094 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
2095 contractor as a basis for any action or suit that would suspend, disrupt, or terminate
2096 the design or construction.
- 2097 (14) An employer's waiting period for an employee to become eligible for qualified health
2098 coverage may not extend beyond the first day of the calendar month following 60 days
2099 after the day on which the employee is hired.
- 2100 (15) An administrator, including an administrator's actuary or underwriter, who provides a
2101 written statement under Subsection (5)(a) or (c) regarding the qualified health coverage

- 2102 of a contractor or subcontractor who provides a health benefit plan described in
2103 Subsection (1)(d)(ii):
- 2104 (a) subject to Subsection (11)(b), is not liable for an error in the written statement, unless
2105 the administrator commits gross negligence in preparing the written statement;
 - 2106 (b) is not liable for any error in the written statement if the administrator relied in good
2107 faith on information from the contractor or subcontractor; and
 - 2108 (c) may require as a condition of providing the written statement that a contractor or
2109 subcontractor hold the administrator harmless for an action arising under this section.

2110 Section 29. Section **63G-1-503** is amended to read:

2111 **63G-1-503 (Effective 05/01/24). Historic state flag -- Description -- Image --**

2112 **Display.**

- 2113 (1) The historic state flag shall be a flag of blue field, with the following device worked in
2114 natural colors on the center of the blue field:
 - 2115 (a) in the center a shield;
 - 2116 (b) above the shield and thereon an American eagle with outstretched wings;
 - 2117 (c) the top of the shield pierced with six arrows arranged crosswise;
 - 2118 (d) upon the shield under the arrows the word "Industry," and below the word "Industry"
2119 on the center of the shield, a beehive;
 - 2120 (e) on each side of the beehive, growing sego lilies;
 - 2121 (f) below the beehive and near the bottom of the shield, the word "Utah";
 - 2122 (g) below the word "Utah" and on the bottom of the shield, the figures "1847";
 - 2123 (h) behind the shield, there shall be two American flags on flagstaffs placed crosswise
2124 with the flags so draped to project beyond each side of the shield, the heads of the
2125 flagstaffs appearing in front of the eagle's wings and the bottom of each staff
2126 appearing over the face of the draped flag below the shield;
 - 2127 (i) below the shield and flags and upon the blue field, the figures "1896"; and
 - 2128 (j) around the entire design, a narrow circle in gold.
- 2129 (2) The historic state flag shall appear consistent with any of the following three images:

2130



2131



2132



- 2133 (3) All citizens maintain the right to use the historic state flag upon any occasion deemed
 2134 fitting and appropriate.
- 2135 (4) The lieutenant governor shall establish standards and specifications for the manufacture
 2136 and display of the historic state flag.
- 2137 (5) The historic state flag shall be displayed:
- 2138 (a) on state property during legal holidays described in Section 63G-1-301, as deemed
 2139 appropriate by the governor; and
- 2140 (b) ~~[on the capitol hill complex, as defined in Section 63C-9-102]~~ at capitol hill, as
 2141 defined in Section 63O-1-101, during the annual general session of the Legislature.
- 2142 (6) (a) The historic state flag may be displayed on state property for ceremonial
 2143 purposes, so long as the flag is serviceable.
- 2144 (b) The historic state flag shall be replaced by the state flag of Utah, as described in
 2145 Section 63G-1-501, when the historic state flag is not displayed for ceremonial
 2146 purposes.
- 2147 (c) When displaying the historic state flag on public grounds in any location where the
 2148 state flag of Utah, as described in Section 63G-1-501, is also displayed, the
 2149 governmental entity responsible for the display of the flags shall ensure that the
 2150 historic state flag is displayed beneath the state flag of Utah.

2151 Section 30. Section **63G-1-702** is amended to read:

2152 **63G-1-702 (Effective 05/01/24). Definitions.**

2153 As used in this part:

- 2154 (1) "Capitol hill complex" [~~is as defined in Section 63C-9-102~~] means capitol hill, as
 2155 defined in Section 63O-1-101.
- 2156 (2) (a) "Flag" means a depiction or emblem made from fabric or cloth.
 2157 (b) "Flag" does not include a depiction or emblem made from:
 2158 (i) lights;
 2159 (ii) paint;
 2160 (iii) roofing;
 2161 (iv) siding;
 2162 (v) paving materials;
 2163 (vi) flora;
 2164 (vii) balloons; or
 2165 (viii) any other building, landscaping, or decorative component other than fabric or
 2166 cloth.
- 2167 (3) "Flag of the United States" is the flag described in United States Code Title 4, Chapter
 2168 1, The Flag.
- 2169 (4) "POW/MIA flag" means the POW/MIA flag of the National League of Families of
 2170 American Prisoners and Missing in Southeast Asia.
 2171 Section 31. Section **63J-1-602.2** is amended to read:
 2172 **63J-1-602.2 (Effective 05/01/24) (Superseded 07/01/24). List of nonlapsing**
 2173 **appropriations to programs.**
 2174 Appropriations made to the following programs are nonlapsing:
 2175 (1) The Legislature and the Legislature's committees.
 2176 (2) The State Board of Education, including all appropriations to agencies, line items, and
 2177 programs under the jurisdiction of the State Board of Education, in accordance with
 2178 Section 53F-9-103.
 2179 (3) The Rangeland Improvement Act created in Section 4-20-101.
 2180 (4) The Percent-for-Art Program created in Section 9-6-404.
 2181 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
 2182 (6) The Utah Lake Authority created in Section 11-65-201.
 2183 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
 2184 Subsection 17-16-21(2)(d)(ii).
 2185 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
 2186 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
 2187 26B-3-108(7).

- 2188 (10) The Emergency Medical Services Grant Program in Section 26B-4-107.
- 2189 (11) The primary care grant program created in Section 26B-4-310.
- 2190 (12) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 2191 (13) The Utah Health Care Workforce Financial Assistance Program created in Section
2192 26B-4-702.
- 2193 (14) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 2194 (15) The Utah Medical Education Council for the:
- 2195 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
- 2196 (b) provision of medical residency grants described in Section 26B-4-711; and
- 2197 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 2198 (16) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 2199 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with
2200 Subsection 32B-2-301(8)(a) or (b).
- 2201 (18) The General Assistance program administered by the Department of Workforce
2202 Services, as provided in Section 35A-3-401.
- 2203 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2204 (20) The Search and Rescue Financial Assistance Program, as provided in Section
2205 53-2a-1102.
- 2206 (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2207 (22) The Utah Board of Higher Education for teacher preparation programs, as provided in
2208 Section 53B-6-104.
- 2209 (23) Innovation grants under Section 53G-10-608, except as provided in Subsection
2210 53G-10-608(6).
- 2211 (24) The Division of Fleet Operations for the purpose of upgrading underground storage
2212 tanks under Section 63A-9-401.
- 2213 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 2214 (26) The Division of Technology Services for technology innovation as provided under
2215 Section 63A-16-903.
- 2216 (27) The State Capitol Preservation Board created by Section [~~63C-9-201~~] 63O-2-201.
- 2217 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 2218 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado
2219 River Authority of Utah Act.
- 2220 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as
2221 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

- 2222 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
 2223 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
 2224 Program.
- 2225 (32) County correctional facility contracting program for state inmates as described in
 2226 Section 64-13e-103.
- 2227 (33) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 2228 (34) The Division of Human Resource Management user training program, as provided in
 2229 Section 63A-17-106.
- 2230 (35) A public safety answering point's emergency telecommunications service fund, as
 2231 provided in Section 69-2-301.
- 2232 (36) The Traffic Noise Abatement Program created in Section 72-6-112.
- 2233 (37) The money appropriated from the Navajo Water Rights Negotiation Account to the
 2234 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
 2235 settlement of federal reserved water right claims.
- 2236 (38) The Judicial Council for compensation for special prosecutors, as provided in Section
 2237 77-10a-19.
- 2238 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 2239 (40) The Utah Geological Survey, as provided in Section 79-3-401.
- 2240 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 2241 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
 2242 78B-6-144.5.
- 2243 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense
 2244 Commission.
- 2245 (44) The program established by the Division of Facilities Construction and Management
 2246 under Section 63A-5b-703 under which state agencies receive an appropriation and pay
 2247 lease payments for the use and occupancy of buildings owned by the Division of
 2248 Facilities Construction and Management.
- 2249 (45) The State Tax Commission for reimbursing counties for deferred property taxes in
 2250 accordance with Section 59-2-1802.5.
- 2251 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
 2252 Section 32. Section **63J-1-602.2** is amended to read:
- 2253 **63J-1-602.2 (Effective 07/01/24). List of nonlapsing appropriations to programs.**
 2254 Appropriations made to the following programs are nonlapsing:
- 2255 (1) The Legislature and the Legislature's committees.

- 2256 (2) The State Board of Education, including all appropriations to agencies, line items, and
2257 programs under the jurisdiction of the State Board of Education, in accordance with
2258 Section 53F-9-103.
- 2259 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 2260 (4) The Percent-for-Art Program created in Section 9-6-404.
- 2261 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- 2262 (6) The Utah Lake Authority created in Section 11-65-201.
- 2263 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
2264 Subsection 17-16-21(2)(d)(ii).
- 2265 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 2266 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
2267 26B-3-108(7).
- 2268 (10) The primary care grant program created in Section 26B-4-310.
- 2269 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 2270 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
2271 26B-4-702.
- 2272 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 2273 (14) The Utah Medical Education Council for the:
- 2274 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
2275 (b) provision of medical residency grants described in Section 26B-4-711; and
2276 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 2277 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 2278 (16) Funds that the Department of Alcoholic Beverage Services retains in accordance with
2279 Subsection 32B-2-301(8)(a) or (b).
- 2280 (17) The General Assistance program administered by the Department of Workforce
2281 Services, as provided in Section 35A-3-401.
- 2282 (18) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2283 (19) The Search and Rescue Financial Assistance Program, as provided in Section
2284 53-2a-1102.
- 2285 (20) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 2286 (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2287 (22) The Utah Board of Higher Education for teacher preparation programs, as provided in
2288 Section 53B-6-104.
- 2289 (23) Innovation grants under Section 53G-10-608, except as provided in Subsection

- 2290 53G-10-608(6).
- 2291 (24) The Division of Fleet Operations for the purpose of upgrading underground storage
2292 tanks under Section 63A-9-401.
- 2293 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 2294 (26) The Division of Technology Services for technology innovation as provided under
2295 Section 63A-16-903.
- 2296 (27) The State Capitol Preservation Board created by Section [~~63C-9-201~~] 63O-2-201.
- 2297 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 2298 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado
2299 River Authority of Utah Act.
- 2300 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as
2301 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2302 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
2303 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
2304 Program.
- 2305 (32) County correctional facility contracting program for state inmates as described in
2306 Section 64-13e-103.
- 2307 (33) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 2308 (34) The Division of Human Resource Management user training program, as provided in
2309 Section 63A-17-106.
- 2310 (35) A public safety answering point's emergency telecommunications service fund, as
2311 provided in Section 69-2-301.
- 2312 (36) The Traffic Noise Abatement Program created in Section 72-6-112.
- 2313 (37) The money appropriated from the Navajo Water Rights Negotiation Account to the
2314 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
2315 settlement of federal reserved water right claims.
- 2316 (38) The Judicial Council for compensation for special prosecutors, as provided in Section
2317 77-10a-19.
- 2318 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 2319 (40) The Utah Geological Survey, as provided in Section 79-3-401.
- 2320 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 2321 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2322 78B-6-144.5.
- 2323 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense

- 2324 Commission.
- 2325 (44) The program established by the Division of Facilities Construction and Management
2326 under Section 63A-5b-703 under which state agencies receive an appropriation and pay
2327 lease payments for the use and occupancy of buildings owned by the Division of
2328 Facilities Construction and Management.
- 2329 (45) The State Tax Commission for reimbursing counties for deferred property taxes in
2330 accordance with Section 59-2-1802.5.
- 2331 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
2332 Section 33. Section **63O-1-101** is enacted to read:

2333 **TITLE 63O. CAPITOL HILL**

2334 **CHAPTER 1. CONTROL AND MAINTENANCE OF CAPITOL HILL**

2335 **Part 1. General Provisions**

2336 **63O-1-101 (Effective 05/01/24). Definitions.**

2337 As used in this title:

- 2338 (1) "Architectural integrity" means the architectural elements, materials, color, and quality
2339 of the original building construction.
- 2340 (2) "Area of joint control" means all areas that are specified under this chapter as being
2341 under the direction and control of both the Legislature and the governor.
- 2342 (3) "Board" means the State Capitol Preservation Board created in Section 63C-9-201.
- 2343 (4) "Capitol hill" means the following, in Salt Lake City:
- 2344 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made
2345 and natural objects within the area bounded by 300 North Street, Columbus Street,
2346 500 North Street, and East Capitol Boulevard;
- 2347 (b) the White Community Memorial Chapel, including the grounds, monuments, parking
2348 areas, buildings, structures, and other man-made and natural objects on the property;
- 2349 (c) the Council Hall Travel Information Center, including the grounds, monuments,
2350 parking areas, buildings, structures, and other man-made and natural objects on the
2351 property;
- 2352 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:
- 2353 (i) the grounds, monuments, parking areas, buildings, structures, and other man-made
2354 and natural objects on the property; and
- 2355 (ii) the other state-owned property within the area bounded by Columbus Street,

- 2356 North Main Street, and Apricot Avenue;
- 2357 (e) the Central Plant, located to the southeast of the intersection of 500 North and
- 2358 Columbus Street;
- 2359 (f) the state-owned property within the area bounded by Columbus Street, Wall Street,
- 2360 and 400 North Street; and
- 2361 (g) the state-owned property within the area bounded by Columbus Street, West Capitol
- 2362 Street, and 500 North Street.
- 2363 (5) "Governor's area" means all areas, other than an area of joint control, that are specified
- 2364 under this chapter as being under the direction and control of the governor.
- 2365 (6) "House Building" means the west building on capitol hill that is located northwest of the
- 2366 State Capitol, southwest of the North Building, and west of the Senate Building.
- 2367 (7) "Legislative area" means all areas, other than an area of joint control, that are specified
- 2368 under this chapter as being under the direction and control of the Legislature.
- 2369 (8) "Legislative day" means:
- 2370 (a) a day during the annual general session of the Legislature;
- 2371 (b) a day during a special session of the Legislature;
- 2372 (c) a day during which the House of Representatives is convened under Utah
- 2373 Constitution, Article VI, Section 17;
- 2374 (d) a day during which the Senate is convened under Utah Constitution, Article VI,
- 2375 Section 18;
- 2376 (e) a day during a veto override session; or
- 2377 (f) a day designated by the Legislative Management Committee as a legislative day for
- 2378 meetings of the House of Representatives, the Senate, or a committee, task force,
- 2379 caucus, or other group of the legislative branch.
- 2380 (9) "North Building" means the building on capitol hill that is located north of the State
- 2381 Capitol, northeast of the House Building, and northwest of the Senate Building.
- 2382 (10) "Senate Building" means the building on capitol hill that is located northeast of the
- 2383 State Capitol, southeast of the North Building, and east of the House Building.
- 2384 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
- 2385 (12) (a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the
- 2386 basement level of capitol hill.
- 2387 (b) "Tunnels" does not include the underground parking.
- 2388 Section 34. Section **630-1-201** is enacted to read:
- 2389

Part 2. Buildings, Structures, and Grounds

- 2390 **630-1-201 (Effective 05/01/24). Capitol building -- Direction and control.**
- 2391 (1) In the basement of the State Capitol:
- 2392 (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the
- 2393 direction and control of the board, which shall allocate space, as needed, for security
- 2394 offices, the Supreme Court, and others;
- 2395 (b) the following areas are under the direction and control of the Legislature:
- 2396 (i) the Legislative Printing office and Bill Room;
- 2397 (ii) the Sergeant Lounge; and
- 2398 (iii) the press room; and
- 2399 (c) the following areas in the southwest corner are under the direction and control of the
- 2400 governor:
- 2401 (i) the governor's parking area;
- 2402 (ii) the operations center;
- 2403 (iii) the executive suite; and
- 2404 (iv) the executive detail area.
- 2405 (2) On the first floor of the State Capitol:
- 2406 (a) the following are under the direction and control of the governor:
- 2407 (i) the office suites located on the northwest and southwest sides; and
- 2408 (ii) the dignitary holding area and elevator, which the Legislature may schedule
- 2409 through the Utah Highway Patrol Dignitary Protection Bureau;
- 2410 (b) suite 180, in the southeast corner, is under the direction and control of the board and
- 2411 assigned for the use of the state treasurer; and
- 2412 (c) the following are under the direction and control of the board:
- 2413 (i) the board offices, located in suite 120, immediately to the east of the State
- 2414 Capitol's north entrance;
- 2415 (ii) the Visitor Services Office, located in suite 130, immediately to the west of the
- 2416 State Capitol's north entrance;
- 2417 (iii) the vending room to the south of the Visitor Services Office;
- 2418 (iv) all vestibules, and the room on the east of the south vestibule;
- 2419 (v) the public area beneath the rotunda and the adjacent public areas;
- 2420 (vi) all conference rooms and storage rooms accessed from the areas described in
- 2421 Subsection (2)(c)(v);

- 2422 (vii) suite 110, to the south of the board offices;
- 2423 (viii) the Visitors Center; and
- 2424 (ix) the Presentation Room.
- 2425 (3) On the second floor of the State Capitol:
- 2426 (a) suite 250, in the northeast corner, is under the direction and control of the Legislature;
- 2427 (b) before January 1, 2025, suite 260, to the west of suite 250, is under the direction and
- 2428 control of the board and assigned for the use of the state auditor;
- 2429 (c) beginning on January 1, 2025, suite 260, to the west of suite 250, is under the
- 2430 direction and control of the board and assigned for the use of the state auditor, until a
- 2431 substantially similar space in the State Capitol is assigned to the state auditor, after
- 2432 which suite 260, to the west of suite 250, is under the direction and control of the
- 2433 Legislature;
- 2434 (d) suite 230, in the southeast corner, is under the direction and control of the board and
- 2435 assigned for the use of the attorney general;
- 2436 (e) the following are under the direction and control of the governor:
- 2437 (i) suite 200, at the west end of the floor;
- 2438 (ii) suite 220, to the west of suite 230; and
- 2439 (iii) suite 270, in the central north area;
- 2440 (f) the Gold Room, including the adjacent pantry:
- 2441 (i) is under the direction and control of the governor and the Legislature; and
- 2442 (ii) is scheduled through the governor, with the governor having scheduling priority;
- 2443 (g) the Capitol Board Room:
- 2444 (i) is under the direction and control of the governor and the Legislature; and
- 2445 (ii) is scheduled through the board, as follows:
- 2446 (A) on a day other than a legislative day:
- 2447 (I) the governor and lieutenant governor have first scheduling priority,
- 2448 regardless of whether the Legislature or any other party has already
- 2449 scheduled the room; and
- 2450 (II) the Legislature has second scheduling priority, regardless of whether a
- 2451 party, other than the governor or lieutenant governor, has already scheduled
- 2452 the room;
- 2453 (B) on a legislative day:
- 2454 (I) the Legislature has first scheduling priority, regardless of whether the
- 2455 governor, the lieutenant governor, or any other party has already scheduled

- 2456 the room; and
- 2457 (II) the governor and lieutenant governor have second scheduling priority,
- 2458 regardless of whether a party, other than the Legislature, has already
- 2459 scheduled the room;
- 2460 (C) if the reservation of a person who schedules the room is canceled under
- 2461 Subsection (3)(g)(ii)(A) or (B), the board shall give the person as much notice
- 2462 as possible to schedule another site;
- 2463 (D) subject to Subsection (3)(g)(ii)(A) or (B), other executive branch or judicial
- 2464 branch entities may schedule the room on a first come, first-served, basis; and
- 2465 (E) subject to Subsection (3)(g)(ii)(A) or (B), and the board's rules for use of
- 2466 capitol hill facilities, other persons may schedule the room on a first come,
- 2467 first-served, basis;
- 2468 (h) the following areas are under the direction and control of the board:
- 2469 (i) the grand staircases;
- 2470 (ii) the rotunda;
- 2471 (iii) the kitchen adjacent to the Gold Room; and
- 2472 (iv) the open areas that are:
- 2473 (A) east of the rotunda to the doors of the Capitol Board Room;
- 2474 (B) west of the rotunda to the entrance to the governor's office;
- 2475 (C) south of the rotunda to the south entrance to the State Capitol; and
- 2476 (D) north of the rotunda to the north wall.
- 2477 (4) (a) On the third floor of the State Capitol, the entire floor is under the direction and
- 2478 control of the Legislature, except the areas described in Subsections (6)(a) and (b).
- 2479 (b) The Supreme Court Chambers will be scheduled by:
- 2480 (i) the Legislature on a legislative day; and
- 2481 (ii) the Senate on a day other than a legislative day.
- 2482 (5) On the fourth floor of the State Capitol, the entire floor is under the direction and
- 2483 control of the Legislature, except that the following areas are under the direction and
- 2484 control of the board:
- 2485 (a) the areas described in Subsections (6)(a) and (b);
- 2486 (b) the four art galleries outside of the storage rooms described in Subsection (6)(b); and
- 2487 (c) the storage room to the north of the northeast art gallery.
- 2488 (6) In addition to the areas specified under Subsections (1) through (5) as being under the
- 2489 direction and control of the board, the following areas in the State Capitol are under the

2490 direction and control of the board:
 2491 (a) the staircases, elevators, public restrooms, and the access areas adjacent to them;
 2492 (b) the interior of the pillars that begin in the open area on the first floor and rise to the
 2493 fourth floor, including the storage closets;
 2494 (c) all areas of the State Capitol above the fourth floor, including the dome and roof; and
 2495 (d) the other areas of the State Capitol not specified under this section as being under the
 2496 direction or control of the governor or the Legislature.

2497 (7) (a) Before October 1, 2024, the governor, the state auditor, the attorney general, the
 2498 state treasurer, the president of the Senate, and the speaker of the House of
 2499 Representatives shall assess the use of space in the State Capitol to determine the best
 2500 use of the space, including the space currently used by:

2501 (i) the governor;
 2502 (ii) the lieutenant governor;
 2503 (iii) the Elections Office;
 2504 (iv) the Senate;
 2505 (v) the House of Representatives;
 2506 (vi) the attorney general;
 2507 (vii) the state auditor; and
 2508 (viii) the state treasurer.

2509 (b) In making the assessment described in Subsection (7)(a), priority for space in the
 2510 capitol is given to the Legislature, the governor, the lieutenant governor, the attorney
 2511 general, the state auditor, and the state treasurer.

2512 Section 35. Section **63O-1-202** is enacted to read:

2513 **63O-1-202 (Effective 05/01/24). House building -- Direction and control.**

2514 The entire House Building is under the direction and control of the Legislature,
 2515 which may assign certain areas to be used by the executive branch.

2516 Section 36. Section **63O-1-203** is enacted to read:

2517 **63O-1-203 (Effective 05/01/24). Senate building -- Direction and control.**

2518 The entire Senate Building is under the direction and control of the Legislature,
 2519 which may assign certain areas to be used by the executive branch.

2520 Section 37. Section **63O-1-204** is enacted to read:

2521 **63O-1-204 (Effective 05/01/24). North Building -- Direction and control.**

2522 (1) As used in this section, "department" means the Department of Cultural and Community
 2523 Engagement, created in Section 9-1-201.

- 2524 (2) The basement of the North Building is under the direction and control of the board, the
2525 majority of which the board will assign for the use of the state museum.
- 2526 (3) The first floor of the North Building is under the direction and control of the board, part
2527 of which the board will assign for the use of the state museum.
- 2528 (4) On the second floor of the North Building:
- 2529 (a) except as provided under Subsection (4)(b), the entire floor is under the direction and
2530 control of the board, part of which the board will assign for the use of the state
2531 museum; and
- 2532 (b) the conference room on the south side of the floor, to the west of the lounge, is under
2533 the direction and control of the Legislature.
- 2534 (5) The entire third floor of the North Building is under the direction and control of the
2535 Legislature.
- 2536 (6) The entire fourth floor of the North Building is under the direction and control of the
2537 Legislature.
- 2538 (7) All portions of the North Building above the fourth floor are under the direction and
2539 control of the board.
- 2540 (8) The entire atrium in the North Building, from the first floor to the ceiling of the fourth
2541 floor, is under the direction and control of the board, including:
- 2542 (a) the architectural integrity of all areas of the atrium, including:
- 2543 (i) architectural or design features;
- 2544 (ii) historic color schemes, decorative finishes, and stenciling;
- 2545 (iii) decorative light fixtures; and
- 2546 (iv) flooring; and
- 2547 (b) the appearance of the atrium, including interior alterations or furnishings that impact
2548 the appearance of the atrium.
- 2549 (9) All stairs, elevators, and restrooms in the North Building are under the direction and
2550 control of the board.
- 2551 Section 38. Section **630-1-205** is enacted to read:
- 2552 **630-1-205 (Effective 05/01/24). Parking.**
- 2553 (1) All surface parking on capitol hill is under the direction and control of the board.
- 2554 (2) All underground parking on capitol hill is under the direction and control of the
2555 Legislature, except that the following are under the direction and control of the governor:
- 2556 (a) 46 of the parking stalls in the underground parking facility known as Lot C located
2557 directly east of the State Capitol;

- 2558 (b) 52 of the parking stalls in the underground parking facility known as Lot E located
 2559 directly east of the Senate Building; and
 2560 (c) any other area designated by the board.
- 2561 (3) Under the direction of the Legislature, the board shall:
- 2562 (a) maintain and control the use of the first level of the covered parking under the plaza
 2563 to the north of the North Building, giving a preference for public parking on that
 2564 level;
- 2565 (b) except as provided in Subsection (3)(a), maintain and control the use of the covered
 2566 parking under the plaza to the north of the North Building for use by the legislative
 2567 branch; and
- 2568 (c) designate portions of parking used by the Legislature on legislative days for use by
 2569 the executive branch on days other than legislative days.

2570 Section 39. Section **63O-1-206** is enacted to read:

2571 **63O-1-206 (Effective 05/01/24). Grounds, buildings, and other structures.**

2572 The following are under the direction and control of the board:

- 2573 (1) the White Memorial Chapel, including the areas and objects described in Subsection
 2574 63O-1-101(4)(b);
- 2575 (2) the Council Hall Travel Information Center, including the areas and objects described in
 2576 Subsection 63O-1-101(4)(c);
- 2577 (3) the Daughters of the Utah Pioneers Building, including the Carriage House and the
 2578 areas and objects described in Subsection 63O-1-101(4)(d);
- 2579 (4) the Central Plant;
- 2580 (5) the belvedere to the north of the North Plaza;
- 2581 (6) the stair towers;
- 2582 (7) the tunnels; and
- 2583 (8) except as expressly provided otherwise in this chapter, all grounds, buildings, structures,
 2584 monuments, plants, and other natural or man-made features on capitol hill.

2585 Section 40. Section **63O-1-301** is enacted to read:

2586 **63O-1-301 (Effective 05/01/24). Board responsibility -- Shared responsibility.**

- 2587 (1) The following are the responsibility of the board:
- 2588 (a) the architectural integrity of all areas of capitol hill, including:
- 2589 (i) restored historic architectural or design features;
- 2590 (ii) historic color schemes, decorative finishes, and stenciling;
- 2591 (iii) decorative light fixtures; and

- 2592 (iv) flooring;
- 2593 (b) the exterior appearance of all buildings and structures on capitol hill, including
- 2594 interior alterations or furnishings that impact the exterior appearance;
- 2595 (c) for the State Capitol, House Building, Senate Building, and North Building:
- 2596 (i) control of the central mechanical and electrical core on all floors;
- 2597 (ii) control of the enclosure of the building, from the exterior of the building to the
- 2598 interior of the exterior wall;
- 2599 (iii) public restrooms;
- 2600 (iv) the roof; and
- 2601 (v) public elevators and stairways;
- 2602 (d) in relation to the legislative area, the functions that the Legislative Management
- 2603 Committee delegates in writing to be performed by the board; and
- 2604 (e) in relation to the governor's area, the functions that the governor delegates in writing
- 2605 to be performed by the board.
- 2606 (2) The data and communications centers in the buildings and structures on capitol hill:
- 2607 (a) that are associated with the Legislature are maintained by the board under the
- 2608 direction of the Legislature;
- 2609 (b) that are associated with the executive branch are maintained by the board under the
- 2610 direction of the governor; and
- 2611 (c) that are associated with both the Legislature and the executive branch are maintained
- 2612 by the board under the direction of the Legislature and the governor.
- 2613 (3) The board shall maintain:
- 2614 (a) all areas under the direction and control of the board;
- 2615 (b) as directed by the Legislature, all areas under the direction and control of the
- 2616 Legislature;
- 2617 (c) as directed by the governor, all areas under the direction and control of the governor;
- 2618 and
- 2619 (d) as directed by the state treasurer, state auditor, or attorney general, all areas under the
- 2620 respective control of those elected officials.
- 2621 (4) Any alteration that involves interior or exterior construction on capitol hill shall be done
- 2622 in coordination with the executive director of the board.
- 2623 Section 41. Section **630-1-302** is enacted to read:
- 2624 **630-1-302 (Effective 05/01/24). Jurisdiction and use of areas under the direction**
- 2625 **and control of the Legislature.**

2626 (1) The legislative area is reserved for the use and occupancy of the Legislature for
 2627 legislative functions.

2628 (2) Except as provided in Section 63O-1-301, the Legislative Management Committee shall
 2629 exercise jurisdiction over the legislative area.

2630 Section 42. Section **63O-1-303** is enacted to read:

2631 **63O-1-303 (Effective 05/01/24). Jurisdiction and use of areas under the direction**
 2632 **and control of the governor.**

2633 (1) The governor's area is reserved for the use and occupancy of the executive branch for
 2634 executive functions.

2635 (2) Except as provided in Section 63O-1-301, the governor shall exercise jurisdiction over
 2636 the governor's area.

2637 Section 43. Section **63O-2-101**, which is renumbered from Section 63C-9-102 is renumbered
 2638 and amended to read:

2639 CHAPTER 2. STATE CAPITOL PRESERVATION BOARD

2640

Part 1. General Provisions

2641 ~~[63C-9-102]~~ **63O-2-101. (Effective 05/01/24). Definitions.**

2642 [(1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.]

2643 [(2) "Capitol hill complex" means the grounds, monuments, parking areas, buildings,
 2644 including the capitol, and other man-made and natural objects within the area bounded
 2645 by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard,
 2646 and includes:]

2647 [(a) the White Community Memorial Chapel and its grounds and parking areas, and the
 2648 Council Hall Travel Information Center building and its grounds and parking areas;]

2649 [(b) the Daughters of the Utah Pioneers building and its grounds and parking areas and
 2650 other state-owned property included within the area bounded by Columbus Street, North
 2651 Main Street, and Apricot Avenue;]

2652 [(c) the state-owned property included within the area bounded by Columbus Street, Wall
 2653 Street, and 400 North Street; and]

2654 [(d) the state-owned property included within the area bounded by Columbus Street, West
 2655 Capitol Street, and 500 North Street.]

2656 [(3) "Capitol hill facilities" means all of the buildings on the capitol hill complex,
 2657 including the capitol, and the exterior steps, entrances, streets, parking areas, and other
 2658 paved areas of capitol hill.]

2659 [(4) "Capitol hill grounds" means the unpaved areas of the capitol hill complex. (5)
 2660 "Executive director"] As used in this chapter, "executive director" means the executive
 2661 director appointed by the board under Section [~~63C-9-401~~] 63O-2-401.

2662 Section 44. Section **63O-2-201**, which is renumbered from Section 63C-9-201 is renumbered
 2663 and amended to read:

2664 **Part 2. State Capitol Preservation Board - Creation, Membership, and Terms**

2665 [~~63C-9-201~~] 63O-2-201. (Effective 05/01/24). **State Capitol Preservation Board -- Creation**

--

2666 **Membership.**

2667 (1) There is created the State Capitol Preservation Board.

2668 (2) The board shall consist of the following 11 members:

2669 (a) the governor, or the lieutenant governor acting as the governor's designee;

2670 (b) the president of the Senate or the president's designee, who shall be a member of the
 2671 Senate;

2672 (c) the speaker of the House of Representatives or the speaker's designee, who shall be a
 2673 member of the House of Representatives;

2674 (d) the state treasurer;

2675 (e) the state attorney general;

2676 (f) two members of the Senate appointed by the president of the Senate, one from the
 2677 majority party and one from the minority party;

2678 (g) two members of the House of Representatives appointed by the speaker of the House
 2679 of Representatives, one from the majority party and one from the minority party;

2680 (h) the chief justice of the Supreme Court or the chief justice's designee, who shall be a
 2681 member of the Supreme Court; and

2682 (i) the state historic preservation officer.

2683 Section 45. Section **63O-2-202**, which is renumbered from Section 63C-9-202 is renumbered
 2684 and amended to read:

2685 [~~63C-9-202~~] 63O-2-202. (Effective 05/01/24). **Terms -- Vacancies -- Chair -- Vice**
 2686 **chair -- Meetings -- Compensation.**

2687 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state
 2688 treasurer, state attorney general, and state historic preservation officer shall serve
 2689 terms coterminous with their office.

2690 (b) The other members shall serve two-year terms.

- 2691 (2) Vacancies in the appointed positions shall be filled by the original appointing authority
 2692 for the unexpired term.
- 2693 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.
 2694 (b) When the governor is absent from meetings of the board, the vice chair is chair of the
 2695 board.
 2696 (c) The governor shall appoint a member of the board to serve as vice chair with the
 2697 approval of a majority of the members of the board.
- 2698 (4) The board shall meet at least quarterly and at other times at the call of the governor or at
 2699 the request of four members of the board.
- 2700 (5) (a) A member who is not a legislator may not receive compensation or benefits for
 2701 the member's service, but may receive per diem and travel expenses as allowed in:
 2702 (i) Section 63A-3-106;
 2703 (ii) Section 63A-3-107; and
 2704 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
 2705 63A-3-107.
- 2706 (b) Compensation and expenses of a member who is a legislator are governed by Section
 2707 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
 2708 Section 46. Section **63O-2-301**, which is renumbered from Section 63C-9-301 is renumbered
 2709 and amended to read:

2710 **Part 3. State Capitol Preservation Board - Powers and Duties**

- 2711 ~~[63C-9-301]~~**63O-2-301. (Effective 05/01/24). Board powers -- Subcommittees.**
- 2712 (1) The board shall:
- 2713 (a) ~~except as [provided in Subsection (2)]~~ otherwise provided in Chapter 1, Control and
 2714 Maintenance of Capitol Hill, exercise complete jurisdiction and stewardship over
 2715 capitol hill facilities, capitol hill grounds, and the capitol hill complex;
- 2716 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol
 2717 hill grounds, and their contents;
- 2718 (c) before October 1 of each year, review and approve the executive director's annual
 2719 budget request for submittal to the governor and Legislature;
- 2720 (d) ~~[by]~~ on or before October 1 of each year, prepare and submit a recommended budget
 2721 request for the upcoming fiscal year for the capitol hill complex to:
 2722 (i) the governor, through the Governor's Office of Planning and Budget; and
 2723 (ii) the Legislature's appropriations subcommittee responsible for capitol hill

- 2724 facilities, through the Office of the Legislative Fiscal Analyst;
- 2725 (e) review and approve the executive director's:
- 2726 (i) annual work plan;
- 2727 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
- 2728 capitol hill grounds; and
- 2729 (iii) furnishings plan for placement and care of objects under the care of the board;
- 2730 (f) approve all changes to the buildings and their grounds, including:
- 2731 (i) restoration, remodeling, and rehabilitation projects;
- 2732 (ii) usual maintenance program; and
- 2733 (iii) any transfers or loans of objects under the board's care;
- 2734 (g) define and identify all significant aspects of [~~the capitol hill complex, capitol hill~~
- 2735 ~~facilities, and capitol hill grounds~~] capitol hill, after consultation with the:
- 2736 (i) Division of Facilities Construction and Management;
- 2737 (ii) State Library Division;
- 2738 (iii) Division of Archives and Records Service;
- 2739 (iv) Utah Historical Society;
- 2740 (v) Office of Museum Services; and
- 2741 (vi) Arts Council;
- 2742 (h) inventory, define, and identify all significant contents of the buildings and all
- 2743 state-owned items of historical significance that were at one time in the buildings,
- 2744 after consultation with the:
- 2745 (i) Division of Facilities Construction and Management;
- 2746 (ii) State Library Division;
- 2747 (iii) Division of Archives and Records Service;
- 2748 (iv) Utah Historical Society;
- 2749 (v) Office of Museum Services; and
- 2750 (vi) Arts Council;
- 2751 (i) maintain archives relating to the construction and development of the buildings, the
- 2752 contents of the buildings and [~~their~~] the grounds, including [~~documents such as~~] plans,
- 2753 specifications, photographs, purchase orders, and other related documents, the
- 2754 original copies of which shall be maintained by the Division of Archives and Records
- 2755 Service;
- 2756 (j) comply with federal and state laws related to program and facility accessibility; and
- 2757 (k) establish procedures for receiving, hearing, and deciding complaints or other issues

- 2758 raised about [~~the capitol hill complex, capitol hill facilities, and capitol hill grounds,~~
 2759 ~~or their use]~~ capitol hill and the use of capitol hill.
- 2760 [(2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
 2761 area, as defined in Section 36-5-1, is reserved to the Legislature; and]
 2762 [(b) the supervision and control of the governor's area, as defined in Section 67-1-16, is
 2763 reserved to the governor.]
- 2764 [(3)] (2) (a) The board shall make rules to govern, administer, and regulate [~~the capitol
 2765 hill complex, capitol hill facilities, and capitol hill grounds by following the
 2766 procedures and requirements of]~~ capitol hill, in accordance with Title 63G, Chapter 3,
 2767 Utah Administrative Rulemaking Act.
- 2768 (b) A violation of a rule relating to the use of [~~the capitol hill complex]~~ capitol hill
 2769 adopted by the board under the authority of this Subsection [(3)] (2) is an infraction.
- 2770 (c) If an act violating a rule under Subsection [(3)(b)] (2)(b) also amounts to an offense
 2771 subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control
 2772 Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of
 2773 state law, Subsection (3)(b) does not prohibit prosecution and sentencing for the more
 2774 serious offense.
- 2775 (d) In addition to any punishment allowed under Subsections [(3)(b) and (e)] (2)(b) and
 2776 (c), a person who violates a rule adopted by the board under the authority of this
 2777 Subsection [(3)] (2) is subject to a civil penalty not to exceed \$2,500 for each
 2778 violation, plus the amount of any actual damages, expenses, and costs related to the
 2779 violation of the rule that are incurred by the state.
- 2780 (e) The board may take any other legal action allowed by law.
- 2781 (f) The board may not apply this section or rules adopted under the authority of this
 2782 section in a manner that violates a person's rights under the Utah Constitution or the
 2783 First Amendment to the United States Constitution, including the right of persons to
 2784 peaceably assemble.
- 2785 (g) The board shall send proposed rules under this section to the legislative general
 2786 counsel and the governor's general counsel for review and comment before the board
 2787 adopts the rules.
- 2788 [(4)] (3) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
 2789 Procurement Code, but shall adopt procurement rules substantially similar to the
 2790 requirements of that chapter.
- 2791 [(5)] (4) The board shall name:

- 2792 (a) the House Building[, that is defined in Section 36-5-1,] the "Rebecca D. Lockhart
2793 House Building"; and
- 2794 (b) committee room 210 in the Senate Building[, that is defined in Section 36-5-1,] the
2795 "Allyson W. Gamble Committee Room."[-]
- 2796 [(6)] (5) (a) The board may:
- 2797 (i) establish subcommittees made up of board members and members of the public to
2798 assist and support the executive director in accomplishing the executive director's
2799 duties;
- 2800 (ii) establish fees for the use of capitol hill facilities and[-capitol hill] grounds;
- 2801 (iii) assign and allocate specific duties and responsibilities to any other state agency,
2802 if the other agency agrees to perform the duty or accept the responsibility;
- 2803 (iv) contract with another state agency to provide services;
- 2804 (v) delegate by specific motion of the board any authority granted to [it by] the board
2805 under this section to the executive director;
- 2806 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
2807 property contiguous to East Capitol Boulevard and capitol hill;
- 2808 (vii) provide wireless Internet service to the public without a fee in any capitol hill
2809 facility; and
- 2810 (viii) when necessary, consult with the:
- 2811 (A) Division of Facilities Construction and Management;
- 2812 (B) State Library Division;
- 2813 (C) Division of Archives and Records Service;
- 2814 (D) Utah Historical Society;
- 2815 (E) Office of Museum Services; and
- 2816 (F) Arts Council.
- 2817 (b) The board's provision of wireless Internet service under Subsection [(6)(a)(vii)]
2818 (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate
2819 and the speaker of the House of Representatives each submit a signed letter to the
2820 board indicating that the service is disruptive to the legislative process and is to be
2821 discontinued.
- 2822 (c) If a budget subcommittee is established by the board, the following shall serve as ex
2823 officio, nonvoting members of the budget subcommittee:
- 2824 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the
2825 Office of the Legislative Fiscal Analyst; and

- 2826 (ii) the executive director of the Governor's Office of Planning and Budget, or the
 2827 executive director's designee, who shall be from the Governor's Office of Planning
 2828 and Budget.
- 2829 (d) If a preservation and maintenance subcommittee is established by the board, the
 2830 board may, by majority vote, appoint one or each of the following to serve on the
 2831 subcommittee as voting members of the subcommittee:
- 2832 (i) an architect, who shall be selected from a list of three architects submitted by the
 2833 American Institute of Architects; or
- 2834 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
 2835 American Civil Engineers Council.
- 2836 (e) If the board establishes any subcommittees, the board may, by majority vote, appoint
 2837 up to two people who are not members of the board to serve, at the will of the board,
 2838 as nonvoting members of a subcommittee.
- 2839 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
 2840 select one individual to act as chair of the subcommittee for a one-year term.
- 2841 [(7)] (6) (a) The board, and the employees of the board, may not move the office of the
 2842 governor, lieutenant governor, president of the Senate, speaker of the House of
 2843 Representatives, or a member of the Legislature from the State Capitol unless the
 2844 removal is approved by:
- 2845 (i) the governor, in the case of the governor's office;
- 2846 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- 2847 (iii) the president of the Senate, in the case of the president's office or the office of a
 2848 member of the Senate; or
- 2849 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
 2850 the office of a member of the House.
- 2851 (b) The board and the employees of the board have no control over the furniture,
 2852 furnishings, and decorative objects in the offices of the governor, lieutenant
 2853 governor, or the members of the Legislature except as necessary to inventory or
 2854 conserve items of historical significance owned by the state.
- 2855 (c) The board and the employees of the board have no control over records and
 2856 documents produced by or in the custody of a state agency, official, or employee
 2857 having an office in a building on[~~the~~] capitol hill[~~complex~~].
- 2858 (d) Except for items identified by the board as having historical significance, and except
 2859 as provided in Subsection [(7)(b)] (6)(b), the board and the employees of the board

2860 have no control over moveable furnishings and equipment in the custody of a state
 2861 agency, official, or employee having an office in a building on~~[-the]~~ capitol hill~~[~~
 2862 ~~complex]~~.

2863 Section 47. Section **63O-2-401**, which is renumbered from Section 63C-9-401 is renumbered
 2864 and amended to read:

2865

Part 4. Executive Director

2866 ~~[63C-9-401]~~**63O-2-401. (Effective 05/01/24). Executive director.**

2867 The board shall:

2868 (1) appoint an executive director to assist the board in performing ~~[its duties under this~~
 2869 ~~chapter]~~ the duties of the board;

2870 (2) (a) require the budget and operations subcommittee to review and make
 2871 recommendations to the board regarding:

2872 (i) the executive director's annual performance; and

2873 (ii) the executive director's suggestions for staff, including staff duties, performance,
 2874 compensation, and personnel;

2875 (b) approve, deny, or modify the subcommittee's recommendations, which shall be
 2876 submitted to the board before the board submits~~[-its]~~ budget recommendations under
 2877 Subsections~~[- 63C-9-301(1)]~~

2878 ~~[(1)]~~ 63O-2-301(1)(c) and (d); and

2879 (c) make rules governing the review, compensation, and bonus process for the executive
 2880 director and staff.

2881 ~~[(1) and]~~

2882 Section 48. Section **63O-2-402**, which is renumbered from Section 63C-9-402 is renumbered
 2883 and amended to read:

2884 ~~[63C-9-402]~~**63O-2-402. (Effective 05/01/24). Executive director -- Duties.**

2885 The executive director shall:

2886 (1) develop, for board approval, a master plan with a projection of at least 20 years
 2887 concerning the stewardship responsibilities, operation, activities, maintenance,
 2888 preservation, restoration, and modification of ~~[the capitol hill complex, capitol hill~~
 2889 ~~facilities, and capitol hill grounds]~~ capitol hill, including, if directed by the board, a plan
 2890 to restore the buildings to their original architecture;

2891 (2) develop, as part of the master plan submitted for board approval, a furnishings plan for
 2892 the placement and care of objects under the care of the board;

- 2893 (3) prepare, and recommend for board approval, an annual budget and work plan, that is
2894 consistent with the master plan, for all work to be performed under this chapter,
2895 including usual operations and maintenance and janitorial and preventative maintenance
2896 for [~~the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents~~]
2897 capitol hill and the contents of capitol hill;
- 2898 (4) develop an operations, maintenance, and janitorial program for [~~the capitol hill~~
2899 ~~complex, capitol hill facilities, capitol hill grounds, and their contents~~] capitol hill and
2900 the contents of capitol hill;
- 2901 (5) develop a program to purchase or accept by donation, permanent loan, or outside
2902 funding items necessary to implement the master plan;
- 2903 (6) develop and maintain a registration system and inventory of the contents of [~~the~~] capitol
2904 hill facilities and [~~capitol hill~~] grounds and of the original documents relating to the
2905 buildings' construction and alteration;
- 2906 (7) develop a program to purchase or accept by donation, permanent loan, or outside
2907 funding items of historical significance that were at one time in the capitol hill facilities
2908 and that are not owned by the state;
- 2909 (8) develop a program to locate and acquire state-owned items of historical significance that
2910 were at one time in the buildings;
- 2911 (9) develop a collections policy regarding the items of historic significance as identified in
2912 the registration system and inventory for the approval of the board;
- 2913 (10) assist in matters dealing with the preservation of historic materials;
- 2914 (11) make recommendations on conservation needs and make arrangements to contract for
2915 conservation services for objects of significance;
- 2916 (12) make recommendations for the transfer or loan of objects of significance as detailed in
2917 the approved collections policy;
- 2918 (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus
2919 property that is not of significance as defined in the collections policy and by the
2920 registration system;
- 2921 (14) approve all art and exhibits placed on capitol hill after board approval;
- 2922 (15) employ staff to assist [~~him~~] in administering this chapter and direct and coordinate [
2923 ~~their~~] the staff's activities;
- 2924 (16) contract for professional services of qualified consultants, including architectural
2925 historians, landscape architects with experience in landscape architectural preservation,
2926 conservators, historians, historic architects, engineers, artists, exhibit designers, and

- 2927 craftsmen;
- 2928 (17) prepare annually a complete and detailed written report for the board that accounts for
- 2929 all funds received and disbursed by the board during the preceding fiscal year;
- 2930 (18) develop and manage a visitor services program for capitol hill which shall include
- 2931 public outreach programs, public tours, events, and communication and public relation
- 2932 services; and
- 2933 (19) subject to Section 63O-1-205, manage and organize all transit and parking programs on[
- 2934 the] capitol hill [~~complex, except that:~~] .
- 2935 [~~(a) the Legislative Management Committee shall direct the executive director's~~
- 2936 ~~management and organization of transit and parking associated with the legislative~~
- 2937 ~~area as defined in Section 36-5-1; and]~~
- 2938 [~~(b) the governor shall direct the executive director's management and organization of~~
- 2939 ~~transit and parking associated with the governor's area as defined in Section 67-1-16.]~~
- 2940 Section 49. Section **63O-2-403**, which is renumbered from Section 63C-9-403 is renumbered
- 2941 and amended to read:
- 2942 **[63C-9-403]63O-2-403. (Effective 05/01/24). Contracting power of executive**
- 2943 **director -- Health insurance coverage.**
- 2944 (1) As used in this section:
- 2945 (a) "Aggregate" means the sum of all contracts, change orders, and modifications related
- 2946 to a single project.
- 2947 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.
- 2948 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
- 2949 "operative" who:
- 2950 (i) works at least 30 hours per calendar week; and
- 2951 (ii) meets employer eligibility waiting requirements for health care insurance, which
- 2952 may not exceed the first of the calendar month following 60 days after the day on
- 2953 which the individual is hired.
- 2954 (d) "Health benefit plan" means:
- 2955 (i) the same as that term is defined in Section 31A-1-301; or
- 2956 (ii) an employee welfare benefit plan:
- 2957 (A) established under the Employee Retirement Income Security Act of 1974, 29
- 2958 U.S.C. Sec. 1001 et seq.;
- 2959 (B) for an employer with 100 or more employees; and
- 2960 (C) in which the employer establishes a self-funded or partially self-funded group

- 2961 health plan to provide medical care for the employer's employees and
2962 dependents of the employees.
- 2963 (e) "Qualified health coverage" means the same as that term is defined in Section
2964 26B-3-909.
- 2965 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
- 2966 (g) "Third party administrator" or "administrator" means the same as that term is defined
2967 in Section 31A-1-301.
- 2968 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 2969 (a) a contractor of a design or construction contract entered into by the board, or on
2970 behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate
2971 amount equal to or greater than \$2,000,000; and
- 2972 (b) a subcontractor of a contractor of a design or construction contract entered into by
2973 the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in
2974 an aggregate amount equal to or greater than \$1,000,000.
- 2975 (3) The requirements of this section do not apply to a contractor or subcontractor described
2976 in Subsection (2) if:
- 2977 (a) the application of this section jeopardizes the receipt of federal funds;
2978 (b) the contract is a sole source contract; or
2979 (c) the contract is an emergency procurement.
- 2980 (4) A person that intentionally uses change orders, contract modifications, or multiple
2981 contracts to circumvent the requirements of this section is guilty of an infraction.
- 2982 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
2983 executive director that the contractor has and will maintain an offer of qualified
2984 health coverage for the contractor's employees and the employees' dependents during
2985 the duration of the contract by submitting to the executive director a written
2986 statement that:
- 2987 (i) the contractor offers qualified health coverage that complies with Section
2988 26B-3-909;
- 2989 (ii) is from:
- 2990 (A) an actuary selected by the contractor or the contractor's insurer;
2991 (B) an underwriter who is responsible for developing the employer group's
2992 premium rates; or
2993 (C) if the contractor provides a health benefit plan described in Subsection
2994 (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and

- 2995 (iii) was created within one year before the day on which the statement is submitted.
- 2996 (b) (i) A contractor that provides a health benefit plan described in Subsection
- 2997 (1)(d)(ii) shall provide the actuary or underwriter selected by the administrator, as
- 2998 described in Subsection (5)(a)(ii)(C), sufficient information to determine whether
- 2999 the contractor's contribution to the health benefit plan and the health benefit plan's
- 3000 actuarial value meets the requirements of qualified health coverage.
- 3001 (ii) A contractor may not make a change to the contractor's contribution to the health
- 3002 benefit plan, unless the contractor provides notice to:
- 3003 (A) the actuary or underwriter selected by the administrator, as described in
- 3004 Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written
- 3005 statement described in Subsection (5)(a) in compliance with this section; and
- 3006 (B) the executive director.
- 3007 (c) A contractor that is subject to the requirements of this section shall:
- 3008 (i) place a requirement in each of the contractor's subcontracts that a subcontractor
- 3009 that is subject to the requirements of this section shall obtain and maintain an offer
- 3010 of qualified health coverage for the subcontractor's employees and the employees'
- 3011 dependents during the duration of the subcontract; and
- 3012 (ii) obtain from a subcontractor that is subject to the requirements of this section a
- 3013 written statement that:
- 3014 (A) the subcontractor offers qualified health coverage that complies with Section
- 3015 26B-3-909;
- 3016 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer,
- 3017 an underwriter who is responsible for developing the employer group's
- 3018 premium rates, or if the subcontractor provides a health benefit plan described
- 3019 in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator;
- 3020 and
- 3021 (C) was created within one year before the day on which the contractor obtains the
- 3022 statement.
- 3023 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
- 3024 as described in Subsection (5)(a) during the duration of the contract is subject
- 3025 to penalties in accordance with administrative rules adopted by the division
- 3026 under Subsection (6).
- 3027 (B) A contractor is not subject to penalties for the failure of a subcontractor to
- 3028 obtain and maintain an offer of qualified health coverage described in

- 3029 Subsection (5)(c)(i).
- 3030 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified
- 3031 health coverage described in Subsection (5)(c)(i) during the duration of the
- 3032 subcontract is subject to penalties in accordance with administrative rules
- 3033 adopted by the department under Subsection (6).
- 3034 (B) A subcontractor is not subject to penalties for the failure of a contractor to
- 3035 maintain an offer of qualified health coverage described in Subsection (5)(a).
- 3036 (6) The department shall [~~adopt administrative~~] make rules:
- 3037 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3038 (b) in coordination with:
- 3039 (i) the Department of Environmental Quality in accordance with Section 19-1-206;
- 3040 (ii) the Department of Natural Resources in accordance with Section 79-2-404;
- 3041 (iii) the Division of Facilities Construction and Management in accordance with
- 3042 Section 63A-5b-607;
- 3043 (iv) a public transit district in accordance with Section 17B-2a-818.5;
- 3044 (v) the Department of Transportation in accordance with Section 72-6-107.5; and
- 3045 (vi) the Legislature's Administrative Rules Review and General Oversight
- 3046 Committee; and
- 3047 (c) that establish:
- 3048 (i) the requirements and procedures a contractor and a subcontractor shall follow to
- 3049 demonstrate compliance with this section, including:
- 3050 (A) that a contractor or subcontractor's compliance with this section is subject to
- 3051 an audit by the department or the Office of the Legislative Auditor General;
- 3052 (B) that a contractor that is subject to the requirements of this section shall obtain
- 3053 a written statement described in Subsection (5)(a); and
- 3054 (C) that a subcontractor that is subject to the requirements of this section shall
- 3055 obtain a written statement described in Subsection (5)(c)(ii);
- 3056 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
- 3057 violates the provisions of this section, which may include:
- 3058 (A) a three-month suspension of the contractor or subcontractor from entering into
- 3059 future contracts with the state upon the first violation;
- 3060 (B) a six-month suspension of the contractor or subcontractor from entering into
- 3061 future contracts with the state upon the second violation;
- 3062 (C) an action for debarment of the contractor or subcontractor in accordance with

- 3063 Section 63G-6a-904 upon the third or subsequent violation; and
3064 (D) monetary penalties which may not exceed 50% of the amount necessary to
3065 purchase qualified health coverage for employees and dependents of
3066 employees of the contractor or subcontractor who were not offered qualified
3067 health coverage during the duration of the contract; and
3068 (iii) a website on which the department shall post the commercially equivalent
3069 benchmark, for the qualified health coverage identified in Subsection (1)(e), that
3070 is provided by the Department of Health and Human Services, in accordance with
3071 Subsection 26B-3-909(2).
- 3072 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a
3073 contractor or subcontractor who intentionally violates the provisions of this
3074 section is liable to the employee for health care costs that would have been
3075 covered by qualified health coverage.
- 3076 (ii) An employer has an affirmative defense to a cause of action under Subsection
3077 (7)(a)(i) if:
- 3078 (A) the employer relied in good faith on a written statement described in
3079 Subsection (5)(a) or (5)(c)(ii); or
3080 (B) the department determines that compliance with this section is not required
3081 under the provisions of Subsection (3).
- 3082 (b) An employee has a private right of action only against the employee's employer to
3083 enforce the provisions of this Subsection (7).
- 3084 (8) Any penalties imposed and collected under this section shall be deposited into the
3085 Medicaid Restricted Account created in Section 26B-1-309.
- 3086 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
3087 required by this section:
- 3088 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
3089 or contractor under:
- 3090 (i) Section 63G-6a-1602; or
3091 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
3092 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
3093 contractor as a basis for any action or suit that would suspend, disrupt, or terminate
3094 the design or construction.
- 3095 (10) An administrator, including the administrator's actuary or underwriter, who provides a
3096 written statement under Subsection (5)(a) or (c) regarding the qualified health coverage

- 3097 of a contractor or subcontractor who provides a health benefit plan described in
 3098 Subsection (1)(d)(ii):
- 3099 (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless
 - 3100 the administrator commits gross negligence in preparing the written statement;
 - 3101 (b) is not liable for any error in the written statement if the administrator relied in good
 - 3102 faith on information from the contractor or subcontractor; and
 - 3103 (c) may require as a condition of providing the written statement that a contractor or
 - 3104 subcontractor hold the administrator harmless for an action arising under this section.

3105 Section 50. Section **63O-2-501**, which is renumbered from Section 63C-9-501 is renumbered
 3106 and amended to read:

3107 **Part 5. Fundraising and Donations**

3108 ~~[63C-9-501]~~**63O-2-501. (Effective 05/01/24). Soliciting donations.**

- 3109 (1) The executive director, under the direction of the board, shall:
 - 3110 (a) develop plans and programs to solicit gifts, money, and items of value from private
 - 3111 persons, foundations, or organizations; and
 - 3112 (b) actively solicit donations from those persons and entities.
- 3113 (2) (a) Property provided by those entities is the property of the state and is under the
- 3114 control of the board.
- 3115 (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property of
- 3116 persons having an office in a building on capitol hill.
- 3117 (3) The board:
 - 3118 (a) shall deposit money donated to the board into the State Capitol Preservation Board
 - 3119 budget as expendable receipts;
 - 3120 (b) shall use gifts of money made to the board for the purpose specified by the grantor, if
 - 3121 any; and
 - 3122 (c) may return to the donor any gift or money donated to the board if a majority of the
 - 3123 board determines that use of the gift or money is unfeasible, or will otherwise not be
 - 3124 placed or used on capitol hill.

3125 Section 51. Section **63O-2-601**, which is renumbered from Section 63C-9-601 is renumbered
 3126 and amended to read:

3127 **Part 6. Furnishings, Fixtures, and Other Items**

3128 ~~[63C-9-601]~~**63O-2-601. (Effective 05/01/24). Responsibility for items.**

3129 Furniture, furnishings, fixtures, works of art, and decorative objects for which the

3130 board has responsibility under this chapter are not subject to the custody or control of
3131 the State Library Board, the State Library Division, the Division of Archives and
3132 Records Service, the Utah Historical Society, the Division of Arts and Museums, the
3133 arts collection committee of the State of Utah Alice Merrill Horne Art Collection, or
3134 any other state agency.

3135 Section 52. Section **63O-2-602**, which is renumbered from Section 63C-9-602 is renumbered
3136 and amended to read:

3137 **~~[63C-9-602]~~63O-2-602. (Effective 05/01/24). Transfer of certain historical items.**

3138 (1) (a) A state agency or other state entity that possesses a state-owned item identified
3139 by the executive director and the board as an item of historical significance that was
3140 at one time located in the capitol hill facilities shall transfer the item to the inventory
3141 of the board at the direction of the executive director not later than the 60th day after
3142 the date that the executive director notifies the agency or entity.

3143 (b) The state agency or other state entity shall subsequently transfer physical possession
3144 of the item to the board in accordance with policies and procedures established by the
3145 board.

3146 (2) This section does not apply to records or documents in the custody of the Division of
3147 Archives and Records Service.

3148 Section 53. Section **72-6-107.5** is amended to read:

3149 **72-6-107.5 (Effective 05/01/24). Construction of improvements of highway --**
3150 **Contracts -- Health insurance coverage.**

3151 (1) As used in this section:

3152 (a) "Aggregate" means the sum of all contracts, change orders, and modifications related
3153 to a single project.

3154 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3155 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
3156 "operative" who:

3157 (i) works at least 30 hours per calendar week; and

3158 (ii) meets employer eligibility waiting requirements for health care insurance, which
3159 may not exceed the first day of the calendar month following 60 days after the day
3160 on which the individual is hired.

3161 (d) "Health benefit plan" means:

3162 (i) the same as that term is defined in Section 31A-1-301; or

3163 (ii) an employee welfare benefit plan:

- 3164 (A) established under the Employee Retirement Income Security Act of 1974, 29
 3165 U.S.C. Sec. 1001 et seq.;
- 3166 (B) for an employer with 100 or more employees; and
- 3167 (C) in which the employer establishes a self-funded or partially self-funded group
 3168 health plan to provide medical care for the employer's employees and
 3169 dependents of the employees.
- 3170 (e) "Qualified health coverage" means the same as that term is defined in Section
 3171 26B-3-909.
- 3172 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
- 3173 (g) "Third party administrator" or "administrator" means the same as that term is defined
 3174 in Section 31A-1-301.
- 3175 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 3176 (a) a contractor of a design or construction contract entered into by the department on or
 3177 after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater
 3178 than \$2,000,000; and
- 3179 (b) a subcontractor of a contractor of a design or construction contract entered into by
 3180 the department on or after July 1, 2009, if the subcontract is in an aggregate amount
 3181 equal to or greater than \$1,000,000.
- 3182 (3) The requirements of this section do not apply to a contractor or subcontractor described
 3183 in Subsection (2) if:
- 3184 (a) the application of this section jeopardizes the receipt of federal funds;
- 3185 (b) the contract is a sole source contract; or
- 3186 (c) the contract is an emergency procurement.
- 3187 (4) A person that intentionally uses change orders, contract modifications, or multiple
 3188 contracts to circumvent the requirements of this section is guilty of an infraction.
- 3189 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
 3190 department that the contractor has and will maintain an offer of qualified health
 3191 coverage for the contractor's employees and the employees' dependents during the
 3192 duration of the contract by submitting to the department a written statement that:
- 3193 (i) the contractor offers qualified health coverage that complies with Section
 3194 26B-3-909;
- 3195 (ii) is from:
- 3196 (A) an actuary selected by the contractor or the contractor's insurer;
- 3197 (B) an underwriter who is responsible for developing the employer group's

- 3198 premium rates; or
- 3199 (C) if the contractor provides a health benefit plan described in Subsection
- 3200 (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
- 3201 (iii) was created within one year before the day on which the statement is submitted.
- 3202 (b) (i) A contractor that provides a health benefit plan described in Subsection
- 3203 (1)(d)(ii) shall provide the actuary or underwriter selected by an administrator, as
- 3204 described in Subsection (5)(a)(ii)(C), sufficient information to determine whether
- 3205 the contractor's contribution to the health benefit plan and the actuarial value of
- 3206 the health benefit plan meet the requirements of qualified health coverage.
- 3207 (ii) A contractor may not make a change to the contractor's contribution to the health
- 3208 benefit plan, unless the contractor provides notice to:
- 3209 (A) the actuary or underwriter selected by an administrator, as described in
- 3210 Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written
- 3211 statement described in Subsection (5)(a) in compliance with this section; and
- 3212 (B) the department.
- 3213 (c) A contractor that is subject to the requirements of this section shall:
- 3214 (i) place a requirement in each of the contractor's subcontracts that a subcontractor
- 3215 that is subject to the requirements of this section shall obtain and maintain an offer
- 3216 of qualified health coverage for the subcontractor's employees and the employees'
- 3217 dependents during the duration of the subcontract; and
- 3218 (ii) obtain from a subcontractor that is subject to the requirements of this section a
- 3219 written statement that:
- 3220 (A) the subcontractor offers qualified health coverage that complies with Section
- 3221 26B-3-909;
- 3222 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer,
- 3223 an underwriter who is responsible for developing the employer group's
- 3224 premium rates, or if the subcontractor provides a health benefit plan described
- 3225 in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator;
- 3226 and
- 3227 (C) was created within one year before the day on which the contractor obtains the
- 3228 statement.
- 3229 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
- 3230 described in Subsection (5)(a) during the duration of the contract is subject to
- 3231 penalties in accordance with administrative rules adopted by the department

- 3232 under Subsection (6).
- 3233 (B) A contractor is not subject to penalties for the failure of a subcontractor to
- 3234 obtain and maintain an offer of qualified health coverage described in
- 3235 Subsection (5)(c)(i).
- 3236 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified
- 3237 health coverage described in Subsection (5)(c) during the duration of the
- 3238 subcontract is subject to penalties in accordance with administrative rules
- 3239 adopted by the department under Subsection (6).
- 3240 (B) A subcontractor is not subject to penalties for the failure of a contractor to
- 3241 maintain an offer of qualified health coverage described in Subsection (5)(a).
- 3242 (6) The department shall adopt administrative rules:
- 3243 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3244 (b) in coordination with:
- 3245 (i) the Department of Environmental Quality in accordance with Section 19-1-206;
- 3246 (ii) the Department of Natural Resources in accordance with Section 79-2-404;
- 3247 (iii) the Division of Facilities Construction and Management in accordance with
- 3248 Section 63A-5b-607;
- 3249 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
- 3250 63O-2-403;
- 3251 (v) a public transit district in accordance with Section 17B-2a-818.5; and
- 3252 (vi) the Legislature's Administrative Rules Review and General Oversight
- 3253 Committee; and
- 3254 (c) that establish:
- 3255 (i) the requirements and procedures a contractor and a subcontractor shall follow to
- 3256 demonstrate compliance with this section, including:
- 3257 (A) that a contractor or subcontractor's compliance with this section is subject to
- 3258 an audit by the department or the Office of the Legislative Auditor General;
- 3259 (B) that a contractor that is subject to the requirements of this section shall obtain
- 3260 a written statement described in Subsection (5)(a); and
- 3261 (C) that a subcontractor that is subject to the requirements of this section shall
- 3262 obtain a written statement described in Subsection (5)(c)(ii);
- 3263 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
- 3264 violates the provisions of this section, which may include:
- 3265 (A) a three-month suspension of the contractor or subcontractor from entering into

- 3266 future contracts with the state upon the first violation;
- 3267 (B) a six-month suspension of the contractor or subcontractor from entering into
- 3268 future contracts with the state upon the second violation;
- 3269 (C) an action for debarment of the contractor or subcontractor in accordance with
- 3270 Section 63G-6a-904 upon the third or subsequent violation; and
- 3271 (D) monetary penalties which may not exceed 50% of the amount necessary to
- 3272 purchase qualified health coverage for an employee and a dependent of the
- 3273 employee of the contractor or subcontractor who was not offered qualified
- 3274 health coverage during the duration of the contract; and
- 3275 (iii) a website on which the department shall post the commercially equivalent
- 3276 benchmark, for the qualified health coverage identified in Subsection (1)(e), that
- 3277 is provided by the Department of Health and Human Services, in accordance with
- 3278 Subsection 26B-3-909(2).
- 3279 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a
- 3280 contractor or subcontractor who intentionally violates the provisions of this
- 3281 section is liable to the employee for health care costs that would have been
- 3282 covered by qualified health coverage.
- 3283 (ii) An employer has an affirmative defense to a cause of action under Subsection
- 3284 (7)(a)(i) if:
- 3285 (A) the employer relied in good faith on a written statement described in
- 3286 Subsection (5)(a) or (5)(c)(ii); or
- 3287 (B) the department determines that compliance with this section is not required
- 3288 under the provisions of Subsection (3).
- 3289 (b) An employee has a private right of action only against the employee's employer to
- 3290 enforce the provisions of this Subsection (7).
- 3291 (8) Any penalties imposed and collected under this section shall be deposited into the
- 3292 Medicaid Restricted Account created in Section 26B-1-309.
- 3293 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
- 3294 required by this section:
- 3295 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
- 3296 or contractor under:
- 3297 (i) Section 63G-6a-1602; or
- 3298 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
- 3299 (b) may not be used by the procurement entity or a prospective bidder, offeror, or

3300 contractor as a basis for any action or suit that would suspend, disrupt, or terminate
3301 the design or construction.

3302 (10) An administrator, including an administrator's actuary or underwriter, who provides a
3303 written statement under Subsection (5)(a) or (c) regarding the qualified health coverage
3304 of a contractor or subcontractor who provides a health benefit plan described in
3305 Subsection (1)(d)(ii):

3306 (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless
3307 the administrator commits gross negligence in preparing the written statement;

3308 (b) is not liable for any error in the written statement if the administrator relied in good
3309 faith on information from the contractor or subcontractor; and

3310 (c) may require as a condition of providing the written statement that a contractor or
3311 subcontractor hold the administrator harmless for an action arising under this section.

3312 Section 54. Section **79-2-404** is amended to read:

3313 **79-2-404 (Effective 05/01/24). Contracting powers of department -- Health**
3314 **insurance coverage.**

3315 (1) As used in this section:

3316 (a) "Aggregate" means the sum of all contracts, change orders, and modifications related
3317 to a single project.

3318 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3319 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
3320 "operative" who:

3321 (i) works at least 30 hours per calendar week; and

3322 (ii) meets employer eligibility waiting requirements for health care insurance, which
3323 may not exceed the first day of the calendar month following 60 days after the day
3324 on which the individual is hired.

3325 (d) "Health benefit plan" means:

3326 (i) the same as that term is defined in Section 31A-1-301; or

3327 (ii) an employee welfare benefit plan:

3328 (A) established under the Employee Retirement Income Security Act of 1974, 29
3329 U.S.C. Sec. 1001 et seq.;

3330 (B) for an employer with 100 or more employees; and

3331 (C) in which the employer establishes a self-funded or partially self-funded group
3332 health plan to provide medical care for the employer's employees and
3333 dependents of the employees.

- 3334 (e) "Qualified health coverage" means the same as that term is defined in Section
3335 26B-3-909.
- 3336 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
- 3337 (g) "Third party administrator" or "administrator" means the same as that term is defined
3338 in Section 31A-1-301.
- 3339 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 3340 (a) a contractor of a design or construction contract entered into by, or delegated to, the
3341 department or a division, board, or council of the department on or after July 1, 2009,
3342 if the prime contract is in an aggregate amount equal to or greater than \$2,000,000;
3343 and
- 3344 (b) a subcontractor of a contractor of a design or construction contract entered into by, or
3345 delegated to, the department or a division, board, or council of the department on or
3346 after July 1, 2009, if the subcontract is in an aggregate amount equal to or greater
3347 than \$1,000,000.
- 3348 (3) This section does not apply to contracts entered into by the department or a division,
3349 board, or council of the department if:
- 3350 (a) the application of this section jeopardizes the receipt of federal funds;
- 3351 (b) the contract or agreement is between:
- 3352 (i) the department or a division, board, or council of the department; and
- 3353 (ii) (A) another agency of the state;
- 3354 (B) the federal government;
- 3355 (C) another state;
- 3356 (D) an interstate agency;
- 3357 (E) a political subdivision of this state; or
- 3358 (F) a political subdivision of another state; or
- 3359 (c) the contract or agreement is:
- 3360 (i) for the purpose of disbursing grants or loans authorized by statute;
- 3361 (ii) a sole source contract; or
- 3362 (iii) an emergency procurement.
- 3363 (4) A person that intentionally uses change orders, contract modifications, or multiple
3364 contracts to circumvent the requirements of this section is guilty of an infraction.
- 3365 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
3366 department that the contractor has and will maintain an offer of qualified health
3367 coverage for the contractor's employees and the employees' dependents during the

- 3368 duration of the contract by submitting to the department a written statement that:
- 3369 (i) the contractor offers qualified health coverage that complies with Section
- 3370 26B-3-909;
- 3371 (ii) is from:
- 3372 (A) an actuary selected by the contractor or the contractor's insurer;
- 3373 (B) an underwriter who is responsible for developing the employer group's
- 3374 premium rates; or
- 3375 (C) if the contractor provides a health benefit plan described in Subsection
- 3376 (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
- 3377 (iii) was created within one year before the day on which the statement is submitted.
- 3378 (b) (i) A contractor that provides a health benefit plan described in Subsection
- 3379 (1)(d)(ii) shall provide the actuary or underwriter selected by an administrator, as
- 3380 described in Subsection (5)(a)(ii)(C), sufficient information to determine whether
- 3381 the contractor's contribution to the health benefit plan and the actuarial value of
- 3382 the health benefit plan meet the requirements of qualified health coverage.
- 3383 (ii) A contractor may not make a change to the contractor's contribution to the health
- 3384 benefit plan, unless the contractor provides notice to:
- 3385 (A) the actuary or underwriter selected by an administrator, as described in
- 3386 Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written
- 3387 statement described in Subsection (5)(a) in compliance with this section; and
- 3388 (B) the department.
- 3389 (c) A contractor that is subject to the requirements of this section shall:
- 3390 (i) place a requirement in each of the contractor's subcontracts that a subcontractor
- 3391 that is subject to the requirements of this section shall obtain and maintain an offer
- 3392 of qualified health coverage for the subcontractor's employees and the employees'
- 3393 dependents during the duration of the subcontract; and
- 3394 (ii) obtain from a subcontractor that is subject to the requirements of this section a
- 3395 written statement that:
- 3396 (A) the subcontractor offers qualified health coverage that complies with Section
- 3397 26B-3-909;
- 3398 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer,
- 3399 an underwriter who is responsible for developing the employer group's
- 3400 premium rates, or if the subcontractor provides a health benefit plan described
- 3401 in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator;

- 3402 and
- 3403 (C) was created within one year before the day on which the contractor obtains the
- 3404 statement.
- 3405 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
- 3406 described in Subsection (5)(a) during the duration of the contract is subject to
- 3407 penalties in accordance with administrative rules adopted by the department
- 3408 under Subsection (6).
- 3409 (B) A contractor is not subject to penalties for the failure of a subcontractor to
- 3410 obtain and maintain an offer of qualified health coverage described in
- 3411 Subsection (5)(c)(i).
- 3412 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified
- 3413 health coverage described in Subsection (5)(c) during the duration of the
- 3414 subcontract is subject to penalties in accordance with administrative rules
- 3415 adopted by the department under Subsection (6).
- 3416 (B) A subcontractor is not subject to penalties for the failure of a contractor to
- 3417 maintain an offer of qualified health coverage described in Subsection (5)(a).
- 3418 (6) The department shall adopt administrative rules:
- 3419 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3420 (b) in coordination with:
- 3421 (i) the Department of Environmental Quality in accordance with Section 19-1-206;
- 3422 (ii) a public transit district in accordance with Section 17B-2a-818.5;
- 3423 (iii) the Division of Facilities Construction and Management in accordance with
- 3424 Section 63A-5b-607;
- 3425 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
- 3426 63O-2-403;
- 3427 (v) the Department of Transportation in accordance with Section 72-6-107.5; and
- 3428 (vi) the Legislature's Administrative Rules Review and General Oversight
- 3429 Committee; and
- 3430 (c) that establish:
- 3431 (i) the requirements and procedures a contractor and a subcontractor shall follow to
- 3432 demonstrate compliance with this section, including:
- 3433 (A) that a contractor or subcontractor's compliance with this section is subject to
- 3434 an audit by the department or the Office of the Legislative Auditor General;
- 3435 (B) that a contractor that is subject to the requirements of this section shall obtain

- 3436 a written statement described in Subsection (5)(a); and
- 3437 (C) that a subcontractor that is subject to the requirements of this section shall
- 3438 obtain a written statement described in Subsection (5)(c)(ii);
- 3439 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
- 3440 violates the provisions of this section, which may include:
- 3441 (A) a three-month suspension of the contractor or subcontractor from entering into
- 3442 future contracts with the state upon the first violation;
- 3443 (B) a six-month suspension of the contractor or subcontractor from entering into
- 3444 future contracts with the state upon the second violation;
- 3445 (C) an action for debarment of the contractor or subcontractor in accordance with
- 3446 Section 63G-6a-904 upon the third or subsequent violation; and
- 3447 (D) monetary penalties which may not exceed 50% of the amount necessary to
- 3448 purchase qualified health coverage for an employee and a dependent of an
- 3449 employee of the contractor or subcontractor who was not offered qualified
- 3450 health coverage during the duration of the contract; and
- 3451 (iii) a website on which the department shall post the commercially equivalent
- 3452 benchmark, for the qualified health coverage identified in Subsection (1)(e),
- 3453 provided by the Department of Health and Human Services, in accordance with
- 3454 Subsection 26B-3-909(2).
- 3455 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a
- 3456 contractor or subcontractor who intentionally violates the provisions of this
- 3457 section is liable to the employee for health care costs that would have been
- 3458 covered by qualified health coverage.
- 3459 (ii) An employer has an affirmative defense to a cause of action under Subsection
- 3460 (7)(a)(i) if:
- 3461 (A) the employer relied in good faith on a written statement described in
- 3462 Subsection (5)(a) or (5)(c)(ii); or
- 3463 (B) the department determines that compliance with this section is not required
- 3464 under the provisions of Subsection (3).
- 3465 (b) An employee has a private right of action only against the employee's employer to
- 3466 enforce the provisions of this Subsection (7).
- 3467 (8) Any penalties imposed and collected under this section shall be deposited into the
- 3468 Medicaid Restricted Account created in Section 26B-1-309.
- 3469 (9) The failure of a contractor or subcontractor to provide qualified health coverage as

- 3470 required by this section:
- 3471 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
- 3472 or contractor under:
- 3473 (i) Section 63G-6a-1602; or
- 3474 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
- 3475 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
- 3476 contractor as a basis for any action or suit that would suspend, disrupt, or terminate
- 3477 the design or construction.
- 3478 (10) An administrator, including an administrator's actuary or underwriter, who provides a
- 3479 written statement under Subsection (5)(a) or (c) regarding the qualified health coverage
- 3480 of a contractor or subcontractor who provides a health benefit plan described in
- 3481 Subsection (1)(d)(ii):
- 3482 (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless
- 3483 the administrator commits gross negligence in preparing the written statement;
- 3484 (b) is not liable for any error in the written statement if the administrator relied in good
- 3485 faith on information from the contractor or subcontractor; and
- 3486 (c) may require as a condition of providing the written statement that a contractor or
- 3487 subcontractor hold the administrator harmless for an action arising under this section.
- 3488 **Section 55. Repealer.**
- 3489 This bill repeals:
- 3490 **Section 36-2-1, (Effective 05/01/24)Legislative in-session employees.**
- 3491 **Section 36-5-1, (Effective 05/01/24)Reservation of area for Legislature -- Duties of**
- 3492 **Legislative Management Committee.**
- 3493 **Section 36-12-2, (Effective 05/01/24)Standing committees.**
- 3494 **Section 36-12-3, (Effective 05/01/24)Interim committees -- Membership -- Purpose --**
- 3495 **Meetings and rules.**
- 3496 **Section 36-12-4, (Effective 05/01/24)Interim committees of two houses -- Meeting**
- 3497 **jointly -- Joint rules -- Majority vote.**
- 3498 **Section 36-12-5, (Effective 05/01/24)Duties of interim committees.**
- 3499 **Section 36-21-1, (Effective 05/01/24)Definition -- Deadline for state governmental**
- 3500 **entities filing legislation -- Waiver.**
- 3501 **Section 36-34-101, (Effective 05/01/24)Statewide elected official summit.**
- 3502 **Section 63C-9-101, (Effective 05/01/24)Title.**
- 3503 **Section 67-1-16, (Effective 05/01/24)Reservation of area for governor.**

3504 Section 56. **Effective date.**

3505 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

3506 (2) The following sections take effect on July 1, 2024:

3507 (a) Section 63A-5b-303 (Effective 07/01/24); and

3508 (b) Section 63J-1-602.2 (Effective 07/01/24).