

Senator Lincoln Fillmore proposes the following substitute bill:

PROCESS AND FACILITIES AMENDMENTS

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 authority over areas on capitol hill;
- and
- ▶ updates inconsistent terminology.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **36-2-2**, as last amended by Laws of Utah 2010, Chapter 133

32 **36-5-1**, as last amended by Laws of Utah 2015, Chapter 314

33 **36-12-1**, as last amended by Laws of Utah 2000, Chapter 104

34 **36-12-6**, as last amended by Laws of Utah 2016, Chapter 403

35 **36-12-7**, as last amended by Laws of Utah 2022, Chapter 222

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

37 **36-12-8.1**, as last amended by Laws of Utah 2018, Chapter 254

38 **36-12-9.5**, as enacted by Laws of Utah 2014, Chapter 167

39 **36-12-19**, as last amended by Laws of Utah 1989, Chapter 174

40 **49-11-406**, as last amended by Laws of Utah 2021, Chapters 64, 282, 344, and 382

41 **67-1-16**, as enacted by Laws of Utah 2008, Chapter 10

42 REPEALS:

43 **36-2-1**, as last amended by Laws of Utah 2015, Chapter 71

44 **36-12-2**, as last amended by Laws of Utah 1998, Chapter 226

45 **36-12-3**, as last amended by Laws of Utah 2002, Chapter 39

46 **36-12-4**, as last amended by Laws of Utah 1988, Chapter 6

47 **36-12-5**, as last amended by Laws of Utah 2013, Chapter 177

48 **36-21-1**, as last amended by Laws of Utah 2020, Chapter 365

49 **36-34-101**, as enacted by Laws of Utah 2023, Chapter 207

50

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

52 Section 1. Section **36-2-2** is amended to read:

53 **36-2-2. Salaries and expenses of members -- Compensation of in-session**
54 **employees.**

55 (1) (a) Unless rejected or lowered as provided in Section **36-2-3**, beginning in 2001 and
56 in each odd-numbered year after that year, members of the Legislature shall receive a salary

57 equal to the amount recommended by the Legislative Compensation Commission in the last
58 report issued by the commission in the previous even-numbered year.

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

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

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

73 (3) The Legislature shall:

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

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

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

77 (ii) a mileage allowance; and

78 (iii) reimbursement for other expenses involved in the performance of legislative
79 duties.

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

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

85 Section 2. Section 36-5-1 is amended to read:

86 **36-5-1. Reservation of area for Legislature -- Duties of Legislative Management**
87 **Committee.**

88 (1) As used in this section:

89 (a) "Architectural integrity" means the architectural elements, materials, color, and
90 quality of the original building construction.

91 (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other
92 man-made and natural objects within the area bounded by 300 North Street, Columbus Street,
93 500 North Street, and East Capitol Boulevard, and includes:

94 (i) the White Community Memorial Chapel and its grounds and parking areas, and the
95 Council Hall Travel Information Center building and its grounds and parking areas;

96 (ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and
97 other state-owned property included within the area bounded by Columbus Street, North Main
98 Street, and Apricot Avenue;

99 (iii) the state-owned property included within the area bounded by Columbus Street,
100 Wall Street, and 400 North Street; and

101 (iv) the state-owned property included within the area bounded by Columbus Street,
102 West Capitol Street, and 500 North Street.

103 (c) "House Building" means the west building on capitol hill that is located northwest
104 of the State Capitol and southwest of the State Office Building.

105 (d) "Legislative area" means the buildings, chambers, rooms, hallways, lounges,
106 parking lots, and parking garages designated by this section as being subject to legislative
107 control.

108 (e) "Senate Building" means the east building on capitol hill that is located northeast of
109 the State Capitol and southeast of the State Office Building.

110 (f) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

111 (g) "State Capitol Preservation Board" or "board" is as created in Section [63C-9-201](#).

112 (2) The legislative area on capitol hill includes:

113 (a) in the State Capitol:

114 (i) on the fourth floor: the entire floor and the stairs and elevators on the east and west
115 side, except the four art galleries and the four closets on the interior of the State Capitol which
116 are immediately around the art galleries are under the supervision of the board;

117 (ii) on the third floor: the entire floor, including the stairs and elevators on the east and
118 west side of the third floor, except:

119 (A) the Supreme Court chambers which is to be controlled and scheduled by the
120 Legislature during any general or special session of the Legislature and on interim days and
121 controlled and scheduled by the Secretary of the Senate on all other days;

122 (B) one office on the southeast side by the Senate Rules Room which is to be
123 controlled by the Senate during any general or special session of the Legislature and on interim
124 days, and shared with the Supreme Court as scheduled through the Secretary of the Senate on
125 all other days; and

126 (C) the Senate Rules Room, which Senate Rules Room is to be controlled by the
127 Senate during any general or special session of the Legislature and on interim days, and shared
128 with the Supreme Court as scheduled through the Secretary of the Senate on all other days;

129 (iii) on the second floor: a committee room on the northeast side which is to be
130 controlled and scheduled by the Legislature during any general or special session of the
131 Legislature and on interim days and controlled and scheduled by the State Capitol Preservation
132 Board on all other days;

133 (iv) on the first floor: no legislative space; and

134 (v) on the basement level:

135 (A) the Office of Legislative Printing; and

136 (B) the audio/video control rooms are to be controlled by the Legislature and the
137 governor and scheduled by the Legislature, and the maintenance of the control rooms shall be
138 by the State Capitol Preservation Board at the direction of the Legislature and the governor;

139 (b) the entire House Building;

140 (c) in the Senate Building:

141 (i) on the third floor: no legislative space;

142 (ii) on the second floor: the entire floor, including the secured elevator, is legislative
143 space;

144 (iii) on the first floor: the secured corridor to the secured elevator is legislative and
145 executive space controlled by the State Capitol Preservation Board; and

146 (iv) on the basement level: the secured elevator is legislative space; and

147 (d) (i) the parking stalls in the underground parking facility located directly east of the
148 House Building and below the central plaza;

149 (ii) 52 of the parking stalls in the above ground parking lot known as Lot G located

150 north of the House Building and west of the State Office Building;

151 (iii) 26 of the parking stalls in the underground parking located directly under the
152 Senate Building; and

153 (iv) 58 of the parking stalls in the underground parking facility directly east of the
154 Senate Building.

155 (3) (a) The legislative area is reserved for the use and occupancy of the Legislature and
156 its committees and for legislative functions.

157 (b) The Legislative Management Committee shall delegate oversight of designated
158 portions of the legislative parking areas to the State Capitol Preservation Board for use by the
159 executive branch on nonlegislative days.

160 (4) The data centers in the House Building, Senate Building, and State Capitol which
161 are associated with the House, Senate, or legislative staff space are the responsibility of the
162 Legislature, and the maintenance of these data centers shall be by the State Capitol
163 Preservation Board at the direction of the Legislature.

164 (5) The Legislative Management Committee shall exercise complete jurisdiction over
165 the legislative area, except for the following, which are the responsibility of the State Capitol
166 Preservation Board:

167 (a) the architectural integrity of the legislative area, including:

168 (i) restored historic architectural or design features;

169 (ii) historic color schemes, decorative finishes, and stenciling;

170 (iii) decorative light fixtures; and

171 (iv) flooring;

172 (b) the exterior appearance of buildings on capitol hill, including interior alterations or
173 furnishings that impact the exterior appearance;

174 [~~(b)~~] (c) control of the central mechanical and electrical core of the House Building,
175 Senate Building, and State Capitol on all floors;

176 [~~(c)~~] (d) control of the enclosure of the House Building, Senate Building, and State
177 Capitol from the exterior of the building to the interior of the exterior wall;

178 [~~(d)~~] (e) the roof of the House Building, Senate Building, and State Capitol;

179 [~~(e)~~] (f) the utility and security tunnels between the underground parking structure and
180 the House Building, Senate Building, and State Capitol;

181 ~~[(f)]~~ (g) rest rooms of the House Building, Senate Building, and State Capitol;
 182 ~~[(g)]~~ (h) maintenance of all the elevators and stairways in the House Building, Senate
 183 Building, and State Capitol; and
 184 ~~[(h)]~~ (i) those functions the Legislative Management Committee delegates in writing to
 185 be performed by the State Capitol Preservation Board.

186 (6) (a) The communications centers in the Senate Building and State Capitol which are
 187 associated with the House, Senate, or legislative staff space or are associated with the governor,
 188 lieutenant governor, or their staff space are the shared responsibility of the State Capitol
 189 Preservation Board, the Legislature, and the governor.

190 (b) The communications centers in the House Building which are associated with the
 191 House, Senate, or legislative staff space are the shared responsibility of the State Capitol
 192 Preservation Board and the Legislature.

193 Section 3. Section **36-12-1** is amended to read:

194 **36-12-1. Definitions.**

195 As used in this chapter:

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

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

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

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

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

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

209 ~~[(5) "Standing committees" means legislative committees organized under the rules of~~
 210 ~~each house of the Legislature for the duration of the legislative biennial term to consider~~
 211 ~~proposed legislation. As used in this chapter, "standing committees" excludes appropriations~~

212 ~~committees, appropriations subcommittees, and rules committees.]~~

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

215 Section 4. Section **36-12-6** is amended to read:

216 **36-12-6. Permanent committees -- House and Senate management -- Members --**
217 **Chair -- Legislative Management Committee -- Membership -- Chair and vice-chair --**
218 **Meetings -- Quorum.**

219 (1) There are hereby established as permanent committees of the Legislature a House
220 Management Committee and a Senate Management Committee. The House Management
221 Committee shall consist of eight members of the House of Representatives, four from each
222 major political party. The membership shall include the elected leadership of the House of
223 Representatives and additional members chosen at the beginning of each annual general
224 session by the minority party caucus as needed to complete the full membership. The chair of
225 the committee shall be the speaker of the House of Representatives or the speaker's designee.
226 The Senate Management Committee shall consist of eight members of the Senate, four from
227 each major political party. The membership shall include the elected leadership of the Senate
228 and additional members chosen at the beginning of each annual general session by the
229 appropriate party caucus as needed to complete the full membership. The chair of the
230 committee shall be the president of the Senate or the president's designee.

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

233 (b) The committee shall consist of:

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

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

236 (c) (i) The president of the Senate or the president's designee shall be chair during
237 1987, and the speaker of the House of Representatives or the speaker's designee shall be
238 vice-chair of the committee during that year.

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

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

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

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

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

255 Section 5. Section **36-12-7** is amended to read:

256 **36-12-7. Legislative Management Committee -- Duties -- Litigation.**

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

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

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

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

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

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

271 (2) To maximize the use of legislators' available time, the Senate and House
272 Management Committees should attempt to schedule the committee meetings of their
273 respective [~~houses~~] chambers during the same one or two-day period each month. This does not

274 preclude an interim committee from meeting at any time it determines necessary to complete its
275 business.

276 (3) (a) The Legislative Management Committee shall:

277 ~~[(a)]~~ (i) ~~[employ]~~ appoint, after recommendation of the appropriate subcommittee of
278 the Legislative Management Committee, without regard to political affiliation, and subject to
279 approval of a majority vote of both ~~[houses, persons]~~ chambers, individuals qualified for the
280 positions of director of the Office of Legislative Research and General Counsel, legislative
281 fiscal analyst, legislative general counsel, and legislative auditor general~~[- Appointments to~~
282 ~~these positions shall be for terms of six years subject to renewal under the same procedure as~~
283 ~~the original appointment. A person may be removed from any of these offices before the~~
284 ~~expiration of the person's term only by a majority vote of both houses of the Legislature or by a~~
285 ~~two-thirds vote of the management committee for such causes as inefficiency, incompetency,~~
286 ~~failure to maintain skills or adequate performance levels, insubordination, misfeasance,~~
287 ~~malfeasance, or nonfeasance in office. If a vacancy occurs in any of these offices after~~
288 ~~adjournment of the Legislature, the committee shall appoint an individual to fill the vacancy~~
289 ~~until such time as the person is approved or rejected by majority vote of the next session of the~~
290 ~~Legislature];~~

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

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

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

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

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

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

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

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

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

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

319 (i) the constitutionality of a state statute;

320 (ii) the validity of legislation; or

321 (iii) any action of the Legislature.

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

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

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

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

333 Section 6. Section 36-12-8 is amended to read:

334 **36-12-8. Legislative Management Committee -- Research and General Counsel**
335 **Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members --**

336 **Meetings.**

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

338 (a) the Research and General Counsel Subcommittee;

339 (b) the Budget Subcommittee; and

340 (c) the Audit Subcommittee.

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

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

347 (2) (a) The Research and General Counsel Subcommittee shall comprise:348 (i) the president, majority leader, and minority leader of the Senate; and349 (ii) the speaker, majority leader, and minority leader of the House of Representatives.350 (b) The Research and General Counsel Subcommittee shall recommend to the351 Legislative Management Committee a person or persons to hold the positions of director of the352 Office of Legislative Research and General Counsel and legislative general counsel.353 (3) (a) The Budget Subcommittee shall comprise:354 (i) the president, majority leader, and minority leader of the Senate; and355 (ii) the speaker, majority leader, and minority leader of the House of Representatives.356 (b) The Budget Subcommittee shall recommend to the Legislative Management357 Committee a person to hold the position of legislative fiscal analyst.358 ~~[(c)]~~ (4) (a) The Audit Subcommittee shall comprise:359 (i) the president, majority leader, and minority leader of the Senate; and360 (ii) the speaker, majority leader, and minority leader of the House of Representatives.361 ~~[(d)]~~ (b) The Audit Subcommittee shall:

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

364 (ii) (A) review all requests for audits;365 (B) prioritize those requests;366 (C) hear all audit reports and refer those reports to other legislative committees for

367 their further review and action as appropriate; and

368 (D) when notified by the legislative auditor general or state auditor that a subsequent
369 audit has found that an entity has not implemented a previous audit recommendation, refer the
370 audit report to an appropriate legislative committee and also ensure that an appropriate
371 legislative committee conducts a review of the entity that has not implemented the previous
372 audit recommendation.

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

378 ~~[(4)]~~ (5) Each subcommittee of the Legislative Management Committee:

- 379 (a) shall meet as often as necessary to perform its duties; and
380 (b) may meet during and between legislative sessions.

381 Section 7. Section **36-12-8.1** is amended to read:

382 **36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight --**
383 **Members -- Duties -- Meetings.**

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

- 386 (a) from the Senate:
387 (i) the president;
388 (ii) the majority leader;
389 (iii) the minority leader; and
390 (iv) the minority whip;
391 (b) from the House of Representatives:
392 (i) the speaker;
393 (ii) the majority leader;
394 (iii) the minority leader; and
395 (iv) the minority whip.

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

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

398 the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General
399 Counsel, and the Office of the Legislative Auditor General~~[-and].~~

400 ~~[(b) provide an annual performance review for the legislative fiscal analyst, the director~~
401 ~~of the Office of Legislative Research and General Counsel, the legislative general counsel, and~~
402 ~~the legislative auditor general.]~~

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

404 ~~[(i) June 1st of each year to receive and evaluate the results of the annual performance~~
405 ~~reviews; and]~~

406 ~~[(ii) November 1st of each year to review and approve the budgets of the Office of the~~
407 ~~Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the~~
408 ~~Office of the Legislative Auditor General.]~~

409 ~~[(b) This subcommittee may meet at other times as often as necessary to perform its~~
410 ~~duties.]~~

411 Section 8. Section **36-12-9.5** is amended to read:

412 **36-12-9.5. Obstructing a legislative proceeding.**

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

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

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

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

421 (a) provides a person with a weapon;

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

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

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

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

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

429 Legislature; or
430 (ii) an employee or independent contractor of an entity described in Subsection
431 (2)(e)(i);
432 (f) harbors or conceals a person;
433 (g) provides a person with transportation, disguise, or other means of avoiding
434 discovery or service of process;
435 (h) warns any person of impending discovery or service of process;
436 (i) conceals an item, information, document, or thing that is not privileged after a
437 legislative subpoena is issued for the item, information, document, or thing; or
438 (j) provides false information regarding a witness or a material aspect of the legislative
439 proceeding.
440 (3) Subsection (2) does not include:
441 (a) false or inconsistent material statements, as described in Section 76-8-502;
442 (b) tampering with a witness or soliciting or receiving a bribe, as described in Section
443 76-8-508;
444 (c) retaliation against a witness, victim, or informant, as described in Section
445 76-8-508.3; or
446 (d) extortion or bribery to dismiss a criminal proceeding, as described in Section
447 76-8-509.
448 Section 9. Section 36-12-19 is amended to read:
449 **36-12-19. Investigatory powers of the Legislature.**
450 In the discharge of its legislative investigatory powers, the Legislature, or either [~~house~~]
451 chamber or any committee thereof, may:
452 (1) administer oaths; and
453 (2) issue subpoenas, compel the attendance of witnesses and the production of any
454 papers, books, accounts, documents, other tangible things, and testimony, by following the
455 procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.
456 Section 10. Section 49-11-406 is amended to read:
457 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
458 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**
459 (1) As used in this section:

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

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

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

- 472 (a) the state auditor;
- 473 (b) the state treasurer;
- 474 (c) an appointed executive under Subsection [67-22-2\(1\)\(a\)](#);
- 475 (d) an employee in the Governor's Office;
- 476 (e) senior staff in the Governor's Office of Planning and Budget;
- 477 (f) senior staff in the Governor's Office of Economic Opportunity;
- 478 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 479 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section
480 [63L-11-201](#);
- 481 (i) a legislative employee appointed under Subsection [~~[36-12-7\(3\)\(a\)](#)~~] [36-12-7\(3\)](#); or
- 482 (j) a legislative employee appointed by the speaker of the House of Representatives, the
483 House of Representatives minority leader, the president of the Senate, or the Senate minority
484 leader.

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

- 486 (a) is final, and no right exists to make any further election;
- 487 (b) is considered a request to be exempt from coverage under a defined benefits
488 system; and
- 489 (c) shall be made on forms provided by the office.

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

491 Section 11. Section **67-1-16** is amended to read:

492 **67-1-16. Reservation of area for governor.**

493 (1) As used in this section:

494 (a) "Architectural integrity" means the architectural elements, materials, color, and
495 quality of the original building construction.

496 (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other
497 man-made and natural objects within the area bounded by 300 North Street, Columbus Street,
498 500 North Street, and East Capitol Boulevard, and includes:

499 (i) the White Community Memorial Chapel and its grounds and parking areas, and the
500 Council Hall Travel Information Center building and its grounds and parking areas;

501 (ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and
502 other state-owned property included within the area bounded by Columbus Street, North Main
503 Street, and Apricot Avenue;

504 (iii) the state-owned property included within the area bounded by Columbus Street,
505 Wall Street, and 400 North Street; and

506 (iv) the state-owned property included within the area bounded by Columbus Street,
507 West Capitol Street, and 500 North Street.

508 (c) "Governor area" means the chambers, rooms, hallways, lounges, parking lots, and
509 parking garages designated by this section as being subject to governor control.

510 (d) "House Building" means the west building on capitol hill that is located northwest
511 of the State Capitol and southwest of the State Office Building.

512 (e) "Legislative area" means the buildings, chambers, rooms, hallways, lounges,
513 parking lots, and parking garages designated by this section as being subject to legislative
514 control.

515 (f) "Senate Building" means the east building on capitol hill that is located northeast of
516 the State Capitol and southeast of the State Office Building.

517 (g) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

518 (h) "State Capitol Preservation Board" or "board" is as created in Section [63C-9-201](#).

519 (2) The governor area on capitol hill includes:

520 (a) in the State Capitol:

521 (i) on the second floor: the entire floor including the stairways and elevators on the east

522 and west side of the second floor, except:

523 (A) the area reserved for the attorney general and the state auditor;

524 (B) the committee room on the northeast side which is to be controlled and scheduled
525 as provided in Subsection 36-5-1(2)(a)(iii);

526 (C) the conference room on the south side, east of the southeast stairway, which is to
527 be scheduled through the State Capitol Preservation Board;

528 (D) the Gold Room, which is to be controlled by the governor and the Legislature and
529 scheduled by the governor, with the governor being given scheduling priority; and the
530 maintenance of the Gold Room shall be by the State Capitol Preservation Board at the direction
531 of the governor;

532 (E) the public restrooms;

533 (F) the grand staircases;

534 (G) the public stairways;

535 (H) the public elevators;

536 (I) the Capitol Rotunda;

537 (J) the kitchen to the east of the dignitary protection elevator and pantry area which
538 kitchen is to be scheduled and maintained by the State Capitol Preservation Board, with the
539 governor's and Legislature's use associated with the Gold Room to be given scheduling
540 priority; and

541 (K) the open areas:

542 (I) east of the Rotunda to the doors of the Capitol Board Room;

543 (II) south of the Rotunda to the south entrance to the State Capitol; and

544 (III) north of the Rotunda to the north wall;

545 (ii) on the first floor: all office areas, conference rooms, stairways, and elevators,
546 excluding the public corridors, public stairways, and public elevators:

547 (A) west of the south entrance to the State Capitol on the first floor, including the
548 dignitary holding area and elevator, which area and elevator the Legislature may schedule
549 through the Utah Highway Patrol Dignitary Protection Bureau; but excluding the storage area
550 that is directly to the north of the dignitary holding area;

551 (B) west of the public elevator on the north side of the first floor; and

552 (C) the northwest pier storage area; and

553 (iii) in the basement:

554 (A) the audio/video control rooms on the southwest side of the State Capitol are shared
555 space with the Legislature as provided in Section 36-5-1;

556 (B) all areas west of the westernmost hall and bordered by a hall on the north and a hall
557 on the south of the areas, including the stairs and elevator, secured parking and all entrances
558 and exits to the secured parking, and the Utah Highway Patrol Dignitary Protection Bureau
559 office space, and excluding the areas north and south of the area designated in this Subsection
560 (2) as the governor area;

561 (b) in the Senate Building:

562 (i) all office areas and conference rooms on the third floor that are south of the south
563 stairway; and

564 (ii) the Utah Highway Patrol Dignitary Protection Bureau office space in the basement;

565 (c) (i) 46 of the parking stalls in the underground parking facility known as Lot C
566 located directly east of the State Capitol; and

567 (ii) 52 of the parking stalls in the underground parking facility known as Lot E located
568 directly east of the Senate Building; and

569 (d) any other area designated by the State Capitol Preservation Board as the governor
570 area.

571 (3) The governor area is reserved for the use and occupancy of the governor and
572 lieutenant governor and their staff, committees, and functions.

573 (4) The data centers in the Senate Building and State Capitol which are associated with
574 the governor, lieutenant governor, or their staff space are the responsibility of the governor, and
575 the maintenance of these data centers shall be by the State Capitol Preservation Board at the
576 direction of the governor.

577 (5) The governor shall exercise complete jurisdiction over the governor area, except for
578 the following, which are the responsibility of the State Capitol Preservation Board:

579 (a) the architectural integrity of the governor area, including:

580 (i) restored historic architectural or design features;

581 (ii) historic color schemes, decorative finishes, and stenciling;

582 (iii) decorative light fixtures; and

583 (iv) flooring;

584 (b) the exterior appearance of buildings on capitol hill, including interior alterations or
585 furnishings that impact the exterior appearance;

586 [~~(b)~~] (c) control of the central mechanical and electrical core of the Senate Building
587 and State Capitol on all floors;

588 [~~(c)~~] (d) control of the enclosure of the Senate Building and State Capitol from the
589 exterior of the building to the interior of the exterior wall;

590 [~~(d)~~] (e) the roof of the Senate Building and State Capitol;

591 [~~(e)~~] (f) the utility and security tunnels between the underground parking structure and
592 the Senate Building and State Capitol;

593 [~~(f)~~] (g) public restrooms of the Senate Building and State Capitol;

594 [~~(g)~~] (h) maintenance of all the elevators and stairways in the Senate Building and State
595 Capitol; and

596 [~~(h)~~] (i) those functions the governor delegates in writing to be performed by the State
597 Capitol Preservation Board.

598 (6) The responsibility for the communications centers in the Senate Building and State
599 Capitol is as provided in Subsection 36-5-1(6).

600 (7) The State Capitol Preservation Board shall schedule and manage the Capitol Board
601 Room on the second floor of the State Capitol.

602 (a) The governor's and lieutenant governor's use of the Capitol Board Room for
603 functions shall be given scheduling priority over other meetings, except as provided in
604 Subsection (7)(b). If the governor or lieutenant governor has need for the Capitol Board Room
605 that has already been scheduled by another person, the governor or lieutenant governor shall be
606 given the Capitol Board Room and as much notice as possible shall be given to the other
607 person scheduling the room so that person may seek an alternative site.

608 (b) During a general session or special session of the Legislature or on interim
609 committee days designated by the Legislative Management Committee, a legislator's use of the
610 Capitol Board Room for functions shall be given scheduling priority over any meeting,
611 including the governor's or lieutenant governor's use under Subsection (7)(a). If a legislator has
612 need for the Capitol Board Room and it has already been scheduled by another person, the
613 legislator shall be given the Capitol Board Room and as much notice as possible shall be given
614 to the other person scheduling the room so that person may seek an alternative site.

615 (c) When the Legislature is not in session and on non interim committee days, a
616 legislator's use of the Capitol Board Room for functions shall be given scheduling priority over
617 any meeting, other than the governor's or lieutenant governor's use under Subsection (7)(a). If
618 a legislator has need for the Capitol Board Room and it is not being used as provided in
619 Subsection (7)(a), the legislator shall be given the Capitol Board Room and as much notice as
620 possible shall be given to the other person scheduling the room so that person may seek an
621 alternative site.

622 (d) When not being used for a governor, lieutenant governor, or legislative function,
623 the Capitol Board Room may be scheduled by the State Capitol Preservation Board on a
624 first-come, first-served basis:

625 (i) by other executive or judicial branch entities; and

626 (ii) by a public or private person or organization who complies with State Capitol
627 Preservation Board rules for Capitol Hill Complex Facility use.

628 Section 12. **Repealer.**

629 This bill repeals:

630 Section **36-2-1, Legislative in-session employees.**

631 Section **36-12-2, Standing committees.**

632 Section **36-12-3, Interim committees -- Membership -- Purpose -- Meetings and**
633 **rules.**

634 Section **36-12-4, Interim committees of two houses -- Meeting jointly -- Joint rules**
635 **-- Majority vote.**

636 Section **36-12-5, Duties of interim committees.**

637 Section **36-21-1, Definition -- Deadline for state governmental entities filing**
638 **legislation -- Waiver.**

639 Section **36-34-101, Statewide elected official summit.**

640 Section 13. **Effective date.**

641 This bill takes effect on May 1, 2024.