

SB0097S01 compared with SB0097

{deleted text} shows text that was in SB0097 but was deleted in SB0097S01.

inserted text shows text that was not in SB0097 but was inserted into SB0097S01.

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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;

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- ▶ 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:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Legislature shall:

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

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

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

(ii) a mileage allowance; and

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

(2) The legislative area on capitol hill includes:

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(a) in the State Capitol:

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

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

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

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

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

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

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

(v) on the basement level:

(A) the Office of Legislative Printing; and

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

(b) the entire House Building;

(c) in the Senate Building:

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

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

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

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

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

(ii) 52 of the parking stalls in the above ground parking lot known as Lot G located north of the House Building and west of the State Office Building;

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

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

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

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

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

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

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

(i) restored historic architectural or design features;

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

(iii) decorative light fixtures; and

(iv) flooring;

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

~~(b)~~ (c) control of the central mechanical and electrical core of the House Building,

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Senate Building, and State Capitol on all floors;

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

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

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

~~[(f)]~~ (g) rest rooms of the House Building, Senate Building, and State Capitol;

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

~~[(h)]~~ (i) those functions the Legislative Management Committee delegates in writing to be performed by the State Capitol Preservation Board.

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

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

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

36-12-1. Definitions.

As used in this chapter:

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

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

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

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

(3) "Major political party" means either of the two political parties having the greatest

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number of members elected to the two [~~houses~~] chambers of the Legislature.

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

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

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

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

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

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

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

(b) The committee shall consist of:

- (i) the members of the House Management Committee; and
- (ii) the members of the Senate Management Committee.

(c) (i) The president of the Senate or the president's designee shall be chair during

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1987, and the speaker of the House of Representatives or the speaker's designee shall be vice-chair of the committee during that year.

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

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

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

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

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

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

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

(1) The Senate or House Management Committee shall:

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

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

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

(d) establish a budget account for interim committee day as designated by Legislative Management Committee and for all other legislative committees of its [house] chamber and

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allocate to that account sufficient funds to adequately provide for the work of the committee;
and

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

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

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

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

(b) (ii) develop policies for personnel management, compensation, and training of all professional legislative staff;

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

(d) (iv) approve special study budget requests of the legislative directors; and

(e) (v) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective

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[houses] chambers of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.

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

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

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

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

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

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

- (i) the constitutionality of a state statute;
- (ii) the validity of legislation; or
- (iii) any action of the Legislature.

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

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

(e) In any action in which the Legislature intervenes or participates, legislative counsel and the attorney general shall function independently from each other in the representation of

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their respective clients.

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

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

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

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

- (a) the Research and General Counsel Subcommittee;
- (b) the Budget Subcommittee; and
- (c) the Audit Subcommittee.

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

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

~~[(c) The Audit]~~

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

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

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

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

†

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

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

[(c)] (4) (a) The Audit Subcommittee shall comprise:

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

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

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

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

(B) prioritize those requests;

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

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

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

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

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

(b) may meet during and between legislative sessions.

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

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

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

(a) from the Senate:

(i) the president;

(ii) the majority leader;

(iii) the minority leader; and

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- (iv) the minority whip;
- (b) from the House of Representatives:
 - (i) the speaker;
 - (ii) the majority leader;
 - (iii) the minority leader; and
 - (iv) the minority whip.

(2) The Subcommittee on Oversight shall ~~;~~ ;

~~[(a)]~~ meet no later than November 1 of each year to review and approve the budget for the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the Office of the Legislative Auditor General ~~;~~ ; ~~and~~ ;

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

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

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

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

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

Section ~~{6}~~ 8. Section 36-12-9.5 is amended to read:

36-12-9.5. Obstructing a legislative proceeding.

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

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

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

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

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

Section ~~77~~9. Section **36-12-19** is amended to read:

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

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

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

Section 10. Section 49-11-406 is amended to read:

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

- (1) As used in this section:
 - (a) "Defined benefit balance" means the total amount of the contributions made on behalf of a member to a defined benefit system plus refund interest.
 - (b) "Senior staff" means an at-will employee who reports directly to an elected official, executive director, or director and includes a deputy director and other similar, at-will employee positions designated by the governor, the speaker of the House, or the president of the Senate and filed with the Division of Human Resource Management and the Utah State Retirement Office.
- (2) In accordance with this section and subject to requirements under federal law and rules made by the board, a member who has service credit from a system may elect to be exempt from coverage under a defined benefit system and to have the member's defined benefit balance transferred from the defined benefit system or plan to a defined contribution plan in the member's own name if the member is:
 - (a) the state auditor;
 - (b) the state treasurer;
 - (c) an appointed executive under Subsection 67-22-2(1)(a);
 - (d) an employee in the Governor's Office;
 - (e) senior staff in the Governor's Office of Planning and Budget;
 - (f) senior staff in the Governor's Office of Economic Opportunity;
 - (g) senior staff in the Commission on Criminal and Juvenile Justice;
 - (h) senior staff in the Public Lands Policy Coordinating Office, created in Section 63L-11-201;
 - (i) a legislative employee appointed under Subsection ~~[36-12-7(3)(a)]~~ 36-12-7(3); or
 - (j) a legislative employee appointed by the speaker of the House of Representatives, the

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House of Representatives minority leader, the president of the Senate, or the Senate minority leader.

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

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

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

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

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

Section ~~8~~11. Section **67-1-16** is amended to read:

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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control.

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

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

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

(2) The governor area on capitol hill includes:

(a) in the State Capitol:

(i) on the second floor: the entire floor including the stairways and elevators on the east and west side of the second floor, except:

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

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

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

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

(E) the public restrooms;

(F) the grand staircases;

(G) the public stairways;

(H) the public elevators;

(I) the Capitol Rotunda;

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

(K) the open areas:

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

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

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

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

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

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

(C) the northwest pier storage area; and

(iii) in the basement:

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

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

(b) in the Senate Building:

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

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

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

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

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

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

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

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direction of the governor.

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

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

- (i) restored historic architectural or design features;
- (ii) historic color schemes, decorative finishes, and stenciling;
- (iii) decorative light fixtures; and
- (iv) flooring;

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

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

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

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

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

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

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

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

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

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

(a) The governor's and lieutenant governor's use of the Capitol Board Room for functions shall be given scheduling priority over other meetings, except as provided in Subsection (7)(b). If the governor or lieutenant governor has need for the Capitol Board Room that has already been scheduled by another person, the governor or lieutenant governor shall be given the Capitol Board Room and as much notice as possible shall be given to the other

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person scheduling the room so that person may seek an alternative site.

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

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

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

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

(ii) by a public or private person or organization who complies with State Capitol

Preservation Board rules for Capitol Hill Complex Facility use.

Section ~~9~~12. **Repealer.**

This bill repeals:

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

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

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

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

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

Section **36-21-1, Definition -- Deadline for state governmental entities filing**

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legislation -- Waiver.

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

Section ~~{10}~~13. Effective date.

This bill takes effect on May 1, 2024.