

Senator Lincoln Fillmore proposes the following substitute bill:

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:



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56 **63A-5b-303 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapter

- 57 329
- 58 **63A-5b-303 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
- 59 329, 394
- 60 **63A-5b-607**, as last amended by Laws of Utah 2023, Chapter 329
- 61 **63G-1-503 (Effective 03/09/24)**, as enacted by Laws of Utah 2023, Chapter 451
- 62 **63G-1-702**, as enacted by Laws of Utah 2013, Chapter 90
- 63 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
- 64 212, 218, 249, 270, 448, 489, and 534
- 65 **63I-2-263**, as last amended by Laws of Utah 2023, Chapters 33, 139, 212, 354, and 530
- 66 **63J-1-602.2 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
- 67 33, 34, 134, 139, 180, 212, 246, 330, 345, 354, and 534
- 68 **63J-1-602.2 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 33,
- 69 34, 134, 139, 180, 212, 246, 310, 330, 345, 354, and 534
- 70 **72-6-107.5**, as last amended by Laws of Utah 2023, Chapter 330
- 71 **79-2-404**, as last amended by Laws of Utah 2023, Chapter 330

72 ENACTS:

- 73 **63O-1-101**, Utah Code Annotated 1953
- 74 **63O-1-201**, Utah Code Annotated 1953
- 75 **63O-1-202**, Utah Code Annotated 1953
- 76 **63O-1-203**, Utah Code Annotated 1953
- 77 **63O-1-204**, Utah Code Annotated 1953
- 78 **63O-1-205**, Utah Code Annotated 1953
- 79 **63O-1-206**, Utah Code Annotated 1953
- 80 **63O-1-301**, Utah Code Annotated 1953
- 81 **63O-1-302**, Utah Code Annotated 1953
- 82 **63O-1-303**, Utah Code Annotated 1953

83 RENUMBERS AND AMENDS:

- 84 **63O-2-101**, (Renumbered from 63C-9-102, as last amended by Laws of Utah 2006,
- 85 Chapter 256)
- 86 **63O-2-201**, (Renumbered from 63C-9-201, as last amended by Laws of Utah 2006,
- 87 Chapter 256)

88 63O-2-202, (Renumbered from 63C-9-202, as last amended by Laws of Utah 2014,
89 Chapter 387)

90 63O-2-301, (Renumbered from 63C-9-301, as last amended by Laws of Utah 2023,
91 Chapter 160)

92 63O-2-401, (Renumbered from 63C-9-401, as last amended by Laws of Utah 2006,
93 Chapter 256)

94 63O-2-402, (Renumbered from 63C-9-402, as last amended by Laws of Utah 2015,
95 Chapter 314)

96 63O-2-403, (Renumbered from 63C-9-403, as last amended by Laws of Utah 2023,
97 Chapter 329)

98 63O-2-501, (Renumbered from 63C-9-501, as last amended by Laws of Utah 2023,
99 Chapter 534)

100 63O-2-601, (Renumbered from 63C-9-601, as last amended by Laws of Utah 2023,
101 Chapter 160)

102 63O-2-602, (Renumbered from 63C-9-602, as enacted by Laws of Utah 1998, Chapter
103 285)

104 REPEALS:

105 36-2-1, as last amended by Laws of Utah 2015, Chapter 71

106 36-5-1, as last amended by Laws of Utah 2015, Chapter 314

107 36-12-2, as last amended by Laws of Utah 1998, Chapter 226

108 36-12-3, as last amended by Laws of Utah 2002, Chapter 39

109 36-12-4, as last amended by Laws of Utah 1988, Chapter 6

110 36-12-5, as last amended by Laws of Utah 2013, Chapter 177

111 36-21-1, as last amended by Laws of Utah 2020, Chapter 365

112 36-34-101, as enacted by Laws of Utah 2023, Chapter 207

113 63C-9-101, as enacted by Laws of Utah 1998, Chapter 285

114 67-1-16, as enacted by Laws of Utah 2008, Chapter 10

115

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

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

118 **17B-2a-818.5. Contracting powers of public transit districts -- Health insurance**

119 coverage.

120 (1) As used in this section:

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

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

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

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

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

130 (d) "Health benefit plan" means:

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

132 (ii) an employee welfare benefit plan:

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

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

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

139 (e) "Qualified health coverage" means the same as that term is defined in Section
140 26B-3-909.

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

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

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

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

148 (b) a subcontractor of a contractor of a design or construction contract entered into by
149 the public transit district on or after July 1, 2009, if the subcontract is in an aggregate amount

150 equal to or greater than \$1,000,000.

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

153 (a) the application of this section jeopardizes the receipt of federal funds;

154 (b) the contract is a sole source contract; or

155 (c) the contract is an emergency procurement.

156 (4) A person that intentionally uses change orders, contract modifications, or multiple
157 contracts to circumvent the requirements of this section is guilty of an infraction.

158 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
159 public transit district that the contractor has and will maintain an offer of qualified health
160 coverage for the contractor's employees and the employee's dependents during the duration of
161 the contract by submitting to the public transit district a written statement that:

162 (i) the contractor offers qualified health coverage that complies with Section
163 26B-3-909;

164 (ii) is from:

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

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

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

170 (iii) was created within one year before the day on which the statement is submitted.

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

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

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

181 (B) the public transit district.

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

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

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

189 (A) the subcontractor offers qualified health coverage that complies with Section
190 26B-3-909;

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

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

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

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

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

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

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

209 (a) in coordination with:

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

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

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

214 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
215 63O-2-403; and

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

217 (b) that establish:

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

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

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

224 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
225 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 future
231 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 employees of the
236 contractor or subcontractor who were not offered qualified health coverage during the duration
237 of the contract; and

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

241 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(b)(ii), a contractor
242 or subcontractor who intentionally violates the provisions of this section is liable to the

243 employee for health care costs that would have been covered by qualified health coverage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

274 **19-1-206. Contracting powers of department -- Health insurance coverage.**

275 (1) As used in this section:

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

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

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

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

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

285 (d) "Health benefit plan" means:

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

287 (ii) an employee welfare benefit plan:

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

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

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

294 (e) "Qualified health coverage" means the same as that term is defined in Section
295 26B-3-909.

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

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

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

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

303 (b) a subcontractor of a contractor of a design or construction contract entered into by,
304 or delegated to, the department, or a division or board of the department, on or after July 1,

305 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.

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

308 (a) the application of this section jeopardizes the receipt of federal funds;

309 (b) the contract or agreement is between:

310 (i) the department or a division or board of the department; and

311 (ii) (A) another agency of the state;

312 (B) the federal government;

313 (C) another state;

314 (D) an interstate agency;

315 (E) a political subdivision of this state; or

316 (F) a political subdivision of another state;

317 (c) the executive director determines that applying the requirements of this section to a
318 particular contract interferes with the effective response to an immediate health and safety
319 threat from the environment; or

320 (d) the contract is:

321 (i) a sole source contract; or

322 (ii) an emergency procurement.

323 (4) A person that intentionally uses change orders, contract modifications, or multiple
324 contracts to circumvent the requirements of this section is guilty of an infraction.

325 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
326 executive director that the contractor has and will maintain an offer of qualified health
327 coverage for the contractor's employees and the employees' dependents during the duration of
328 the contract by submitting to the executive director a written statement that:

329 (i) the contractor offers qualified health coverage that complies with Section
330 26B-3-909;

331 (ii) is from:

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

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

335 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),

336 an actuary or underwriter selected by a third party administrator; and

337 (iii) was created within one year before the day on which the statement is submitted.

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

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

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

348 (B) the department.

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

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

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

356 (A) the subcontractor offers qualified health coverage that complies with Section
357 26B-3-909;

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

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

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

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

369 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health
370 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to
371 penalties in accordance with administrative rules adopted by the department under Subsection
372 (6).

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

375 (6) The department shall adopt administrative rules:

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

377 (b) in coordination with:

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

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

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

382 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
383 63O-2-403;

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

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

386 and

387 (c) that establish:

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

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

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

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

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

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

400 (B) a six-month suspension of the contractor or subcontractor from entering into future
401 contracts with the state upon the second violation;

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

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

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

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

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

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

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

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

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

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

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

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

429 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
430 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
431 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
432 or construction.

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

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

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

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

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

444 **26A-1-108. Jurisdiction and duties of local health departments -- Registration as**
445 **a limited purpose entity.**

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

451 (b) Notwithstanding Subsection (1)(a), a local health department's jurisdiction or
452 authority to issue an order of constraint pursuant to a declared public health emergency does
453 not apply to any facility, property, or area owned or leased by the state, including [~~the capitol~~
454 ~~hill complex, as that term is defined in Section 63C-9-102]~~ capitol hill, as defined in Section
455 63O-1-101.

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

458 (b) A local health department that fails to comply with Subsection (2)(a) or Section
459 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

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

461 **26A-1-114. Powers and duties of departments.**

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

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

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

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

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

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

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

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

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

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

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

490 (i) establish and collect appropriate fees for the performance of services and operation

491 of authorized or required programs and duties;

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

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

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

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

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

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

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

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

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

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

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

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

517 (2) The local health department shall:

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

520 (b) investigate infectious and other diseases of public health importance and implement
521 measures to control the causes of epidemic and communicable diseases and other conditions

522 significantly affecting the public health which may include involuntary testing of alleged sexual
523 offenders for the HIV infection pursuant to Section 53-10-802 and voluntary testing of victims
524 of sexual offenses for HIV infection pursuant to Section 53-10-803;

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

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

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

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

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

538 (iv) is reviewed and updated annually.

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

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

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

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

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

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

552 (4) If those responsible for the health-related condition of the school buildings and

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

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

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

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

567 (b) The local health department:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

614 (e) For a public health emergency declared by a local health department under this

615 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures
616 for Communicable Diseases, the Legislature may terminate by joint resolution a public health
617 emergency that was declared based on exigent circumstances or that has been in effect for more
618 than 30 days.

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

623 (9) (a) During a public health emergency declared under this chapter or under Title
624 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable
625 Diseases:

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

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

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

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

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

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

645 (c) (i) For a local health department that serves more than one county, the approval

646 described in Subsection (9)(a)(i) is required for the chief executive officer for which the order
647 of constraint is applicable.

648 (ii) For a local health department that serves more than one county, a county governing
649 body may only terminate an order of constraint as described in Subsection (9)(a)(iii) for the
650 county served by the county governing body.

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

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

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

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

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

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

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

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

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

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

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

676 (12) A local health department may not:

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

679 (b) prevent or limit a person's ability to engage in a practice described in Subsection
680 58-11a-304(5) by:

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

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

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

686 **26B-1-309. Medicaid Restricted Account.**

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

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

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

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

697 (iii) any penalties imposed and collected under:

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

699 (B) Section 19-1-206;

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

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

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

703 (F) Section 79-2-404.

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

706 (c) The Legislature may appropriate money in the restricted account to fund programs
707 that expand medical assistance coverage and private health insurance plans to low income

708 persons who have not traditionally been served by Medicaid, including the Utah Children's
709 Health Insurance Program created in Section 26B-3-902.

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

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

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

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

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

719 **26B-3-909. State contractor -- Employee and dependent health benefit plan**
720 **coverage.**

721 (1) For purposes of Sections 17B-2a-818.5, 19-1-206, 63A-5b-607, [~~63C-9-403~~]
722 63O-2-403, 72-6-107.5, and 79-2-404, "qualified health coverage" means, at the time the
723 contract is entered into or renewed:

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

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

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

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

732 (i) has a deductible that is:

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

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

739 employer offered federally qualified high deductible plan;

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

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

744 (2) The department shall:

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

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

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

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

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

753 **32B-4-102. Definitions.**

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

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

757 **32B-4-415. Unlawful bringing onto premises for consumption.**

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

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

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

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

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

765 (e) the capitol hill complex.

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

- 770 (a) a retail licensee or a person required to be licensed under this title as a retail
771 licensee;
- 772 (b) an establishment that conducts a business similar to a retail licensee;
773 (c) a single event permittee or temporary beer event permittee;
774 (d) an establishment open to the general public;
775 (e) the State Capitol Preservation Board created in Section [~~63C-9-201~~] 63O-2-201; or
776 (f) staff of a person listed in Subsections (2)(a) through (e).
- 777 (3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an
778 alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a
779 passenger at:
- 780 (a) a location from which the passenger departs in a private vehicle; or
781 (b) the capitol hill complex.
- 782 (4) (a) A person may bring bottled wine onto the premises of the following and
783 consume the wine pursuant to Section 32B-5-307:
- 784 (i) a full-service restaurant licensee;
785 (ii) a limited restaurant licensee;
786 (iii) a bar establishment licensee; or
787 (iv) a person operating under a spa sublicense.
- 788 (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic
789 product in the limousine if:
- 790 (i) the travel of the limousine begins and ends at:
791 (A) the residence of the passenger;
792 (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
793 (C) the temporary domicile of the passenger;
794 (ii) the driver of the limousine is separated from the passengers by partition or other
795 means approved by the department; and
796 (iii) the limousine is not located on the capitol hill complex.
- 797 (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic
798 product on the chartered bus:
- 799 (i) (A) but may consume only during travel to a specified destination of the chartered
800 bus and not during travel back to the place where the travel begins; or

- 801 (B) if the travel of the chartered bus begins and ends at:
- 802 (I) the residence of the passenger;
- 803 (II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
- 804 (III) the temporary domicile of the passenger;
- 805 (ii) if the chartered bus has a nondrinking designee other than the driver traveling on
- 806 the chartered bus to monitor consumption; and
- 807 (iii) if the chartered bus is not located on the capitol hill complex.

808 (5) A person may bring onto any premises, possess, and consume an alcoholic product
809 at a private event.

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

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

- 814 (a) the boundary of a resort building, as defined in Section 32B-8-102, or the boundary
- 815 of a hotel, as defined in Section 32B-8b-102, in an area that is open to the public; or
- 816 (b) except as provided in Subsection (4), sublicensed premises.

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

818 **36-2-2. Salaries and expenses of members -- Compensation of in-session**
819 **employees.**

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

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

829 (2) (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and
830 in each odd-numbered year after that year, the president of the Senate and the speaker of the
831 House of Representatives shall receive a salary equal to the amount recommended by the

832 Legislative Compensation Commission in the last report issued by the commission in the
833 previous even-numbered year.

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

838 (3) The Legislature shall:

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

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

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

842 (ii) a mileage allowance; and

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

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

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

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

851 **36-11-102. Definitions.**

852 As used in this chapter:

853 (1) "Aggregate daily expenditures" means:

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

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

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

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

894 deferral or other benefits authorized by federal law; or
895 (vii) income based on an individual's ownership interest.
896 (6) "Compensation payor" means a person who pays compensation to a public official
897 in the ordinary course of business:
898 (a) because of the public official's ownership interest in the compensation payor; or
899 (b) for services rendered by the public official on behalf of the compensation payor.
900 (7) "Education action" means:
901 (a) a resolution, policy, or other official action for consideration by a board of
902 education;
903 (b) a nomination or appointment by an education official or a board of education;
904 (c) a vote on an administrative action taken by a vote of a board of education;
905 (d) an adjudicative proceeding over which an education official has direct or indirect
906 control;
907 (e) a purchasing or contracting decision;
908 (f) drafting or making a policy, resolution, or rule;
909 (g) determining a rate or fee; or
910 (h) making an adjudicative decision.
911 (8) "Education official" means:
912 (a) a member of a board of education;
913 (b) an individual appointed to or employed in a position under a board of education, if
914 that individual:
915 (i) occupies a policymaking position or makes purchasing or contracting decisions;
916 (ii) drafts resolutions or policies or drafts or makes rules;
917 (iii) determines rates or fees;
918 (iv) makes decisions relating to an education budget or the expenditure of public
919 money; or
920 (v) makes adjudicative decisions; or
921 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
922 (9) "Event" means entertainment, a performance, a contest, or a recreational activity
923 that an individual participates in or is a spectator at, including a sporting event, an artistic
924 event, a play, a movie, dancing, or singing.

925 (10) "Executive action" means:
926 (a) a nomination or appointment by the governor;
927 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
928 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
929 (c) agency ratemaking proceedings; or
930 (d) an adjudicative proceeding of a state agency.

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

934 (i) a purchase, payment, or distribution;
935 (ii) a loan, gift, or advance;
936 (iii) a deposit, subscription, or forbearance;
937 (iv) services or goods;
938 (v) money;
939 (vi) real property;
940 (vii) a ticket or admission to an event; or
941 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
942 any item listed in Subsections (11)(a)(i) through (vii).

943 (b) "Expenditure" does not mean:
944 (i) a commercially reasonable loan made in the ordinary course of business;
945 (ii) a campaign contribution:
946 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
947 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance
948 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
949 (B) lawfully given to a person that is not required to report the contribution under a law
950 or ordinance described in Subsection (11)(b)(ii)(A);
951 (iii) printed informational material that is related to the performance of the recipient's
952 official duties;
953 (iv) a devise or inheritance;
954 (v) any item listed in Subsection (11)(a) if:
955 (A) given by a relative;

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

958 (C) the item is food or beverage with a value that does not exceed the food
959 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
960 the food reimbursement rate; or

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

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

965 (A) all members of the Legislature;

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

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

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

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

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

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

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

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

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

978 (A) is presented in public; and

979 (B) has the name of the individual receiving the plaque, commendation, or award

980 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
981 award;

982 (ix) a gift that:

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

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

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

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

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

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

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

994 (A) a publication; or

995 (B) a commemorative item;

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

998 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
999 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section
1000 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);

1001 (B) to solicit a campaign contribution that a person is not required to report under a law
1002 or ordinance described in Subsection (11)(b)(xi)(A); or

1003 (C) charitable solicitation, as defined in Section 13-22-2;

1004 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
1005 activity;

1006 (xiii) sponsorship of an approved activity;

1007 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
1008 or from an event, a tour, or a meeting:

1009 (A) that is sponsored by a governmental entity;

1010 (B) that is widely attended and related to a governmental duty of a public official;

1011 (C) for a local official, that is sponsored by an organization that represents only local
1012 governments, including the Utah Association of Counties, the Utah League of Cities and
1013 Towns, or the Utah Association of Special Districts; or

1014 (D) for an education official, that is sponsored by a public school, a charter school, or
1015 an organization that represents only public schools or charter schools, including the Utah
1016 Association of Public Charter Schools, the Utah School Boards Association, or the Utah
1017 School Superintendents Association; or

1018 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
1019 public official if that travel results in a financial savings to:

1020 (A) for a public official who is not a local official or an education official, the state; or

1021 (B) for a public official who is a local official or an education official, the local
1022 government or board of education to which the public official belongs.

1023 (12) "Food reimbursement rate" means the total amount set by the director of the
1024 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
1025 employee of the executive branch, for an entire day.

1026 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract
1027 with a foreign government.

1028 (b) "Foreign agent" does not include an individual who is recognized by the United
1029 States Department of State as a duly accredited diplomatic or consular officer of a foreign
1030 government, including a duly accredited honorary consul.

1031 (14) "Foreign government" means a government other than the government of:

1032 (a) the United States;

1033 (b) a state within the United States;

1034 (c) a territory or possession of the United States; or

1035 (d) a political subdivision of the United States.

1036 (15) (a) "Government officer" means:

1037 (i) an individual elected to a position in state or local government, when acting in the
1038 capacity of the state or local government position;

1039 (ii) an individual elected to a board of education, when acting in the capacity of a
1040 member of a board of education;

1041 (iii) an individual appointed to fill a vacancy in a position described in Subsection

1042 (15)(a)(i) or (ii), when acting in the capacity of the position; or

1043 (iv) an individual appointed to or employed in a full-time position by state government,
1044 local government, or a board of education, when acting in the capacity of the individual's
1045 appointment or employment.

1046 (b) "Government officer" does not mean a member of the legislative branch of state
1047 government.

1048 (16) "Immediate family" means:

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

1080 (viii) an individual who appears on the individual's own behalf before a committee of
1081 the Legislature, an agency of the executive branch of state government, a board of education,
1082 the governing body of a local government, a committee of a local government, or a committee
1083 of a board of education, solely for the purpose of testifying in support of or in opposition to
1084 legislative action, executive action, local action, or education action; or

1085 (ix) an individual representing a business, entity, or industry, who:

1086 (A) interacts with a public official, in the public official's capacity as a public official,
1087 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the
1088 interaction or while presenting at a legislative committee meeting at the same time that the
1089 registered lobbyist is attending another legislative committee meeting; and

1090 (B) does not make an expenditure for, or on behalf of, a public official in relation to the
1091 interaction or during the period of interaction.

1092 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or
1093 any combination of lobbyists, principals, and government officers, who each contribute a
1094 portion of an expenditure made to benefit a public official or member of the public official's
1095 immediate family.

1096 (21) "Local action" means:

1097 (a) an ordinance or resolution for consideration by a local government;

1098 (b) a nomination or appointment by a local official or a local government;

1099 (c) a vote on an administrative action taken by a vote of a local government's
1100 legislative body;

1101 (d) an adjudicative proceeding over which a local official has direct or indirect control;

1102 (e) a purchasing or contracting decision;

1103 (f) drafting or making a policy, resolution, or rule;

1104 (g) determining a rate or fee; or

1105 (h) making an adjudicative decision.

1106 (22) "Local government" means:

1107 (a) a county, city, town, or metro township;

1108 (b) a special district governed by Title 17B, Limited Purpose Local Government
1109 Entities - Special Districts;

1110 (c) a special service district governed by Title 17D, Chapter 1, Special Service District

1111 Act;

1112 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
1113 Government Entities - Community Reinvestment Agency Act;

1114 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

1115 (f) a redevelopment agency; or

1116 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
1117 13, Interlocal Cooperation Act.

1118 (23) "Local official" means:

1119 (a) an elected member of a local government;

1120 (b) an individual appointed to or employed in a position in a local government if that
1121 individual:

1122 (i) occupies a policymaking position or makes purchasing or contracting decisions;

1123 (ii) drafts ordinances or resolutions or drafts or makes rules;

1124 (iii) determines rates or fees; or

1125 (iv) makes adjudicative decisions; or

1126 (c) an immediate family member of an individual described in Subsection (23)(a) or
1127 (b).

1128 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or
1129 make a decision, including a conference, seminar, or summit.

1130 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
1131 who represents two or more clients and divides the aggregate daily expenditure made to benefit
1132 a public official or member of the public official's immediate family between two or more of
1133 those clients.

1134 (26) "Principal" means a person that employs an individual to perform lobbying, either
1135 as an employee or as an independent contractor.

1136 (27) "Public official" means:

1137 (a) (i) a member of the Legislature;

1138 (ii) an individual elected to a position in the executive branch of state government; or

1139 (iii) an individual appointed to or employed in a position in the executive or legislative
1140 branch of state government if that individual:

1141 (A) occupies a policymaking position or makes purchasing or contracting decisions;

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

1173 (b) viewing the sight of a natural disaster; or
 1174 (c) assessing a circumstance in relation to which a public official may need to take
 1175 action within the scope of the public official's duties.

1176 Section 11. Section 36-12-1 is amended to read:

1177 **36-12-1. Definitions.**

1178 As used in this chapter:

1179 ~~[(1)(a) "Interim committees" means legislative committees that are formed from the~~
 1180 ~~membership of each house to function between sessions of the Legislature in order to study~~
 1181 ~~subjects of legislative concern.]~~

1182 ~~[(b) "Interim committees" includes a commission, committee, council, task force,~~
 1183 ~~board, or panel, in which legislative participation is required by law, which committee~~
 1184 ~~functions between sessions of the Legislature.]~~

1185 (1) "Interim committee" means the same as that term is defined in legislative rule.

1186 (2) "Legislative director" means the director of the Office of Legislative Research and
 1187 General Counsel, the legislative fiscal analyst, or the legislative auditor general.

1188 (3) "Major political party" means either of the two political parties having the greatest
 1189 number of members elected to the two ~~[houses]~~ chambers of the Legislature.

1190 (4) "Professional legislative staff" means the legislative directors and the members of
 1191 their staffs.

1192 ~~[(5) "Standing committees" means legislative committees organized under the rules of~~
 1193 ~~each house of the Legislature for the duration of the legislative biennial term to consider~~
 1194 ~~proposed legislation. As used in this chapter, "standing committees" excludes appropriations~~
 1195 ~~committees, appropriations subcommittees, and rules committees.]~~

1196 (5) "Standing committee" means a Senate or House committee established under
 1197 Senate or House rule for the purpose of considering proposed legislation.

1198 Section 12. Section 36-12-6 is amended to read:

1199 **36-12-6. Permanent committees -- House and Senate management -- Members --**
 1200 **Chair -- Legislative Management Committee -- Membership -- Chair and vice-chair --**
 1201 **Meetings -- Quorum.**

1202 (1) There are hereby established as permanent committees of the Legislature a House
 1203 Management Committee and a Senate Management Committee. The House Management

1204 Committee shall consist of eight members of the House of Representatives, four from each
1205 major political party. The membership shall include the elected leadership of the House of
1206 Representatives and additional members chosen at the beginning of each annual general
1207 session by the minority party caucus as needed to complete the full membership. The chair of
1208 the committee shall be the speaker of the House of Representatives or the speaker's designee.
1209 The Senate Management Committee shall consist of eight members of the Senate, four from
1210 each major political party. The membership shall include the elected leadership of the Senate
1211 and additional members chosen at the beginning of each annual general session by the
1212 appropriate party caucus as needed to complete the full membership. The chair of the
1213 committee shall be the president of the Senate or the president's designee.

1214 (2) (a) There is established a permanent committee of the Legislature known as the
1215 Legislative Management Committee.

1216 (b) The committee shall consist of:

1217 (i) the members of the House Management Committee; and

1218 (ii) the members of the Senate Management Committee.

1219 (c) (i) The president of the Senate or the president's designee shall be chair during
1220 1987, and the speaker of the House of Representatives or the speaker's designee shall be
1221 vice-chair of the committee during that year.

1222 (ii) The positions of chair and vice-chair of the Legislative Management Committee
1223 shall rotate annually between these two officers in succeeding years.

1224 (d) The committee shall meet as often as is necessary to perform its duties, but not less
1225 than once each quarter.

1226 (e) If any vote of the committee results in a tie, the president of the Senate and speaker
1227 of the House of Representatives may together cast an additional vote to break the tie.

1228 (3) If a legislator declines membership on the committees established by this section,
1229 or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party
1230 of the [house] chamber in which the vacancy occurs.

1231 (4) The committees established by this section shall meet not later than 60 days after
1232 the adjournment sine die of the annual general session held in even-numbered years and not
1233 later than 30 days after the adjournment sine die of the annual general session held in
1234 odd-numbered years for the purpose of effecting their organization and prescribing rules and

1235 policies pertaining to their respective powers and duties. A majority of the members of each
 1236 committee constitutes a quorum, and a majority of a quorum has authority to act in any matter
 1237 falling within the jurisdiction of the committee.

1238 Section 13. Section **36-12-7** is amended to read:

1239 **36-12-7. Legislative Management Committee -- Duties -- Litigation.**

1240 (1) The Senate or House Management Committee shall:

1241 (a) receive legislative resolutions directing studies on legislative matters and may
 1242 assign these studies to the appropriate interim committee of its ~~[house]~~ chamber;

1243 (b) assign to interim committees of the same ~~[house]~~ chamber, matters of legislative
 1244 study not specifically contained in a legislative resolution but considered significant to the
 1245 welfare of the state;

1246 (c) receive requests from interim committees of its ~~[house]~~ chamber for matters to be
 1247 included on the study agenda of the requesting committee. Appropriate bases for denying a
 1248 study include inadequate funding to properly complete the study or duplication of the work;

1249 (d) establish a budget account for interim committee day as designated by Legislative
 1250 Management Committee and for all other legislative committees of its ~~[house]~~ chamber and
 1251 allocate to that account sufficient funds to adequately provide for the work of the committee;
 1252 and

1253 (e) designate the time and place for periodic meetings of the interim committees.

1254 (2) To maximize the use of legislators' available time, the Senate and House
 1255 Management Committees should attempt to schedule the committee meetings of their
 1256 respective ~~[houses]~~ chambers during the same one or two-day period each month. This does not
 1257 preclude an interim committee from meeting at any time it determines necessary to complete its
 1258 business.

1259 (3) ~~(a)~~ (a) The Legislative Management Committee shall:

1260 ~~(a)~~ (i) ~~[employ]~~ appoint, after recommendation of the appropriate subcommittee of
 1261 the Legislative Management Committee, without regard to political affiliation, and subject to
 1262 approval of a majority vote of both ~~[houses, persons]~~ chambers, individuals qualified for the
 1263 positions of director of the Office of Legislative Research and General Counsel, legislative
 1264 fiscal analyst, legislative general counsel, and legislative auditor general~~[. Appointments to~~
 1265 ~~these positions shall be for terms of six years subject to renewal under the same procedure as~~

1266 ~~the original appointment. A person may be removed from any of these offices before the~~
1267 ~~expiration of the person's term only by a majority vote of both houses of the Legislature or by a~~
1268 ~~two-thirds vote of the management committee for such causes as inefficiency, incompetency,~~
1269 ~~failure to maintain skills or adequate performance levels, insubordination, misfeasance,~~
1270 ~~malfeasance, or nonfeasance in office. If a vacancy occurs in any of these offices after~~
1271 ~~adjournment of the Legislature, the committee shall appoint an individual to fill the vacancy~~
1272 ~~until such time as the person is approved or rejected by majority vote of the next session of the~~
1273 ~~Legislature];~~

1274 ~~[(b)]~~ (ii) develop policies for personnel management, compensation, and training of all
1275 professional legislative staff;

1276 ~~[(c)]~~ (iii) develop a policy within the limits of legislative appropriation for the
1277 authorization and payment to legislators of compensation and travel expenses, including
1278 out-of-state travel;

1279 ~~[(d)]~~ (iv) approve special study budget requests of the legislative directors; and

1280 ~~[(e)]~~ (v) assist the speaker-elect of the House of Representatives and the president-elect
1281 of the Senate, upon selection by their majority party caucus, to organize their respective
1282 [~~houses~~] chambers of the Legislature and assume the direction of the operation of the
1283 Legislature in the forthcoming annual general session.

1284 (b) (i) (A) An appointment under Subsection (3)(a)(i) is for a six-year term, subject to
1285 renewal by a majority vote of the Legislative Management Committee.

1286 (B) Each renewal is for an additional six-year term and is not subject to approval by the
1287 Legislature.

1288 (ii) The Legislature by a majority vote of both chambers or the Legislative
1289 Management Committee by a two-thirds vote may remove an individual appointed under this
1290 Subsection (3) before the expiration of the individual's term for such causes as inefficiency,
1291 incompetency, failure to maintain skills or adequate performance levels, insubordination,
1292 misfeasance, malfeasance, or nonfeasance in office.

1293 (c) If a vacancy occurs in a position appointed under this Subsection (3), the
1294 Legislative Management Committee shall appoint an individual to fill the vacancy until the
1295 Legislature approves or rejects the individual's appointment by a majority vote of both
1296 chambers.

1297 (4) (a) The Legislature delegates to the Legislative Management Committee the
 1298 authority, by means of a majority vote of the committee, to direct the legislative general
 1299 counsel in matters involving the Legislature's participation in litigation.

1300 (b) The Legislature has an unconditional right to intervene in a state court action and
 1301 may provide evidence or argument, written or oral, if a party to that court action challenges:

1302 (i) the constitutionality of a state statute;

1303 (ii) the validity of legislation; or

1304 (iii) any action of the Legislature.

1305 (c) In a federal court action that challenges the constitutionality of a state statute, the
 1306 validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to
 1307 file an amicus brief, or to present argument in accordance with federal rules of procedure.

1308 (d) Intervention by the Legislature pursuant to Subsection (4)(b) or (c) does not limit
 1309 the duty of the attorney general to appear and prosecute legal actions or defend state agencies,
 1310 officers or employees as otherwise provided by law.

1311 (e) In any action in which the Legislature intervenes or participates, legislative counsel
 1312 and the attorney general shall function independently from each other in the representation of
 1313 their respective clients.

1314 (f) The attorney general shall notify the legislative general counsel of a claim in
 1315 accordance with Subsection 67-5-1(1)(y).

1316 Section 14. Section **36-12-8** is amended to read:

1317 **36-12-8. Legislative Management Committee -- Research and General Counsel**
 1318 **Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members --**
 1319 **Meetings.**

1320 (1) There are created within the Legislative Management Committee:

1321 (a) the Research and General Counsel Subcommittee;

1322 (b) the Budget Subcommittee; and

1323 (c) the Audit Subcommittee.

1324 [~~(2) (a) The Research and General Counsel Subcommittee, comprising six members,~~
 1325 ~~shall recommend to the Legislative Management Committee a person or persons to hold the~~
 1326 ~~positions of director of the Office of Legislative Research and General Counsel and legislative~~
 1327 ~~general counsel.]~~

1328 ~~[(b) The Budget Subcommittee, comprising six members, shall recommend to the~~
1329 ~~Legislative Management Committee a person to hold the position of legislative fiscal analyst.]~~

1330 (2) (a) The Research and General Counsel Subcommittee shall comprise:

1331 (i) the president, majority leader, and minority leader of the Senate; and

1332 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1333 (b) The Research and General Counsel Subcommittee shall recommend to the

1334 Legislative Management Committee a person or persons to hold the positions of director of the
1335 Office of Legislative Research and General Counsel and legislative general counsel.

1336 (3) (a) The Budget Subcommittee shall comprise:

1337 (i) the president, majority leader, and minority leader of the Senate; and

1338 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1339 (b) The Budget Subcommittee shall recommend to the Legislative Management

1340 Committee a person to hold the position of legislative fiscal analyst.

1341 ~~[(c)]~~ (4) (a) The Audit Subcommittee shall comprise:

1342 (i) the president, majority leader, and minority leader of the Senate; and

1343 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

1344 ~~[(d)]~~ (b) The Audit Subcommittee shall:

1345 (i) recommend to the Legislative Management Committee a person to hold the position
1346 of legislative auditor general; and

1347 (ii) (A) review all requests for audits;

1348 (B) prioritize those requests;

1349 (C) hear all audit reports and refer those reports to other legislative committees for
1350 their further review and action as appropriate; and

1351 (D) when notified by the legislative auditor general or state auditor that a subsequent
1352 audit has found that an entity has not implemented a previous audit recommendation, refer the
1353 audit report to an appropriate legislative committee and also ensure that an appropriate
1354 legislative committee conducts a review of the entity that has not implemented the previous
1355 audit recommendation.

1356 ~~[(3) The members of each subcommittee of the Legislative Management Committee,~~
1357 ~~other than the Audit Subcommittee, shall have equal representation from each major political~~
1358 ~~party and shall be appointed from the membership of the Legislative Management Committee~~

1359 ~~by an appointments committee comprised of the speaker and the minority leader of the House~~
1360 ~~of Representatives and the president and the minority leader of the Senate.]~~

1361 ~~[(4)] (5) Each subcommittee of the Legislative Management Committee:~~

1362 ~~(a) shall meet as often as necessary to perform its duties; and~~

1363 ~~(b) may meet during and between legislative sessions.~~

1364 Section 15. Section **36-12-8.1** is amended to read:

1365 **36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight --**

1366 **Members -- Duties -- Meetings.**

1367 (1) There is created within the Legislative Management Committee a Subcommittee on
1368 Oversight comprised of the following members:

1369 (a) from the Senate:

1370 (i) the president;

1371 (ii) the majority leader;

1372 (iii) the minority leader; and

1373 (iv) the minority whip;

1374 (b) from the House of Representatives:

1375 (i) the speaker;

1376 (ii) the majority leader;

1377 (iii) the minority leader; and

1378 (iv) the minority whip.

1379 (2) The Subcommittee on Oversight shall[+]

1380 ~~[(a)] meet no later than November 1 of each year to review and approve the budget for~~
1381 ~~the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General~~
1382 ~~Counsel, and the Office of the Legislative Auditor General[+and].~~

1383 ~~[(b)] provide an annual performance review for the legislative fiscal analyst, the director~~
1384 ~~of the Office of Legislative Research and General Counsel, the legislative general counsel, and~~
1385 ~~the legislative auditor general.]~~

1386 ~~[(3) (a) This subcommittee shall meet no later than:]~~

1387 ~~[(i) June 1st of each year to receive and evaluate the results of the annual performance~~
1388 ~~reviews; and]~~

1389 ~~[(ii) November 1st of each year to review and approve the budgets of the Office of the~~

1390 ~~Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the~~
1391 ~~Office of the Legislative Auditor General.]~~

1392 ~~[(b) This subcommittee may meet at other times as often as necessary to perform its~~
1393 ~~duties.]~~

1394 Section 16. Section **36-12-9.5** is amended to read:

1395 **36-12-9.5. Obstructing a legislative proceeding.**

1396 (1) As used in this section, "legislative proceeding" means an investigation or audit
1397 conducted by:

1398 (a) the Legislature, or a [~~house~~] chamber, committee, subcommittee, or task force of
1399 the Legislature; or

1400 (b) an employee or independent contractor of an entity described in Subsection (1)(a),
1401 at or under the direction of an entity described in Subsection (1)(a).

1402 (2) Except as described in Subsection (3), a person is guilty of a class A misdemeanor
1403 if the person, with intent to hinder, delay, or prevent a legislative proceeding:

1404 (a) provides a person with a weapon;

1405 (b) prevents a person, by force, intimidation, or deception, from performing any act
1406 that might aid the legislative proceeding;

1407 (c) alters, destroys, conceals, or removes any item or other thing;

1408 (d) makes, presents, or uses an item, document, or thing known by the person to be
1409 false;

1410 (e) makes a false material statement, not under oath, to:

1411 (i) the Legislature, or a [~~house~~] chamber, committee, subcommittee, or task force of the
1412 Legislature; or

1413 (ii) an employee or independent contractor of an entity described in Subsection
1414 (2)(e)(i);

1415 (f) harbors or conceals a person;

1416 (g) provides a person with transportation, disguise, or other means of avoiding
1417 discovery or service of process;

1418 (h) warns any person of impending discovery or service of process;

1419 (i) conceals an item, information, document, or thing that is not privileged after a
1420 legislative subpoena is issued for the item, information, document, or thing; or

1421 (j) provides false information regarding a witness or a material aspect of the legislative
1422 proceeding.

1423 (3) Subsection (2) does not include:

1424 (a) false or inconsistent material statements, as described in Section 76-8-502;

1425 (b) tampering with a witness or soliciting or receiving a bribe, as described in Section
1426 76-8-508;

1427 (c) retaliation against a witness, victim, or informant, as described in Section
1428 76-8-508.3; or

1429 (d) extortion or bribery to dismiss a criminal proceeding, as described in Section
1430 76-8-509.

1431 Section 17. Section **36-12-19** is amended to read:

1432 **36-12-19. Investigatory powers of the Legislature.**

1433 In the discharge of its legislative investigatory powers, the Legislature, or either [house]
1434 chamber or any committee thereof, may:

1435 (1) administer oaths; and

1436 (2) issue subpoenas, compel the attendance of witnesses and the production of any
1437 papers, books, accounts, documents, other tangible things, and testimony, by following the
1438 procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

1439 Section 18. Section **41-6a-1401** is amended to read:

1440 **41-6a-1401. Standing or parking vehicles -- Restrictions and exceptions.**

1441 (1) Except when necessary to avoid conflict with other traffic, or in compliance with
1442 law, the directions of a peace officer, or a traffic-control device, a person may not:

1443 (a) stop, stand, or park a vehicle:

1444 (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

1445 (ii) on a sidewalk;

1446 (iii) within an intersection;

1447 (iv) on a crosswalk;

1448 (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb
1449 immediately opposite the ends of a safety zone, unless a different length is indicated by signs or
1450 markings;

1451 (vi) alongside or opposite any street excavation or obstruction when stopping, standing,

1452 or parking would obstruct traffic;

1453 (vii) on any bridge or other elevated structure, on a highway, or within a highway

1454 tunnel;

1455 (viii) on any railroad tracks;

1456 (ix) on any controlled-access highway;

1457 (x) in the area between roadways of a divided highway, including crossovers; or

1458 (xi) any place where a traffic-control device prohibits stopping, standing, or parking;

1459 (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or

1460 discharge a passenger or passengers:

1461 (i) in front of a public or private driveway;

1462 (ii) within 15 feet of a fire hydrant;

1463 (iii) within 20 feet of a crosswalk;

1464 (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or

1465 traffic-control signal located at the side of a roadway;

1466 (v) within 20 feet of the driveway entrance to any fire station and on the side of a street

1467 opposite the entrance to any fire station within 75 feet of the entrance when properly

1468 signposted;

1469 (vi) at any place where a traffic-control device prohibits standing; or

1470 (vii) at ~~[the capitol hill complex as defined in Section 63C-9-102]~~ capitol hill, as

1471 defined in Section 63O-1-101, in a parking space identified as reserved for specific users,

1472 without:

1473 (A) approval by the executive director of the State Capitol Preservation Board created

1474 in Section ~~[63C-9-201]~~ 63O-2-201; and

1475 (B) a properly displayed placard or other identifying marker approved by the executive

1476 director of the State Capitol Preservation Board to indicate this approval; or

1477 (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and

1478 while actually engaged in loading or unloading property or passengers:

1479 (i) within 50 feet of the nearest rail of a railroad crossing; or

1480 (ii) at any place where traffic-control devices prohibit parking.

1481 (2) A person may not move a vehicle that is not lawfully under the person's control into

1482 any prohibited area or into an unlawful distance from the curb.

1483 (3) This section does not apply to a tow truck motor carrier responding to a customer
1484 service call if the tow truck motor carrier has already received authorization from the local law
1485 enforcement agency in the jurisdiction where the vehicle to be towed is located.

1486 Section 19. Section ~~49-11-406~~ is amended to read:

1487 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
1488 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

1489 (1) As used in this section:

1490 (a) "Defined benefit balance" means the total amount of the contributions made on
1491 behalf of a member to a defined benefit system plus refund interest.

1492 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
1493 executive director, or director and includes a deputy director and other similar, at-will
1494 employee positions designated by the governor, the speaker of the House, or the president of
1495 the Senate and filed with the Division of Human Resource Management and the Utah State
1496 Retirement Office.

1497 (2) In accordance with this section and subject to requirements under federal law and
1498 rules made by the board, a member who has service credit from a system may elect to be
1499 exempt from coverage under a defined benefit system and to have the member's defined benefit
1500 balance transferred from the defined benefit system or plan to a defined contribution plan in the
1501 member's own name if the member is:

1502 (a) the state auditor;

1503 (b) the state treasurer;

1504 (c) an appointed executive under Subsection 67-22-2(1)(a);

1505 (d) an employee in the Governor's Office;

1506 (e) senior staff in the Governor's Office of Planning and Budget;

1507 (f) senior staff in the Governor's Office of Economic Opportunity;

1508 (g) senior staff in the Commission on Criminal and Juvenile Justice;

1509 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section
1510 63L-11-201;

1511 (i) a legislative employee appointed under Subsection [~~36-12-7(3)(a)~~] 36-12-7(3); or

1512 (j) a legislative employee appointed by the speaker of the House of Representatives, the
1513 House of Representatives minority leader, the president of the Senate, or the Senate minority

1514 leader.

1515 (3) An election made under Subsection (2):

1516 (a) is final, and no right exists to make any further election;

1517 (b) is considered a request to be exempt from coverage under a defined benefits

1518 system; and

1519 (c) shall be made on forms provided by the office.

1520 (4) The board shall adopt rules to implement and administer this section.

1521 Section 20. Section **53-1-102** is amended to read:

1522 **53-1-102. Definitions.**

1523 (1) As used in this title:

1524 (a) "Capitol hill complex" means [~~the same as that term is defined in Section~~
1525 ~~63C-9-102~~] capitol hill, as defined in Section 63O-1-101.

1526 (b) "Commissioner" means the commissioner of public safety appointed under Section
1527 53-1-107.

1528 (c) "Department" means the Department of Public Safety created in Section 53-1-103.

1529 (d) "Governor-elect" means an individual whom the board of canvassers determines to
1530 be the successful candidate for governor after a general election for the office of governor.

1531 (e) "Law enforcement agency" means an entity or division of:

1532 (i) (A) the federal government, a state, or a political subdivision of a state;

1533 (B) a state institution of higher education; or

1534 (C) a private institution of higher education, if the entity or division is certified by the
1535 commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency;
1536 and

1537 (ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes,
1538 and ordinances.

1539 (f) "Law enforcement officer" means the same as that term is defined in Section
1540 53-13-103.

1541 (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by
1542 electric power obtained from overhead trolley wires, but not operated upon rails, except
1543 motorized wheel chairs and vehicles moved solely by human power.

1544 (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,

1545 Peace Officer Classifications.

1546 (i) "Public official" means the same as that term is defined in Section 36-11-102.

1547 (j) "State institution of higher education" means the same as that term is defined in
1548 Section 53B-3-102.

1549 (k) "Vehicle" means every device in, upon, or by which any person or property is or
1550 may be transported or drawn upon a highway, excepting devices used exclusively upon
1551 stationary rails or tracks.

1552 (2) The definitions provided in Subsection (1) are to be applied throughout this title in
1553 addition to definitions that are applicable to specific chapters or parts.

1554 Section 21. Section **53-1-109** is amended to read:

1555 **53-1-109. Security for capitol complex -- Traffic and parking rules enforcement**
1556 **for division -- Security personnel as law enforcement officers.**

1557 [~~(1)~~ As used in this section, "capitol hill facilities" and "capitol hill grounds" have the
1558 same meaning as provided in Section ~~63C-9-102.~~]

1559 [~~(2)~~] (1) (a) The commissioner, under the direction of the State Capitol Preservation
1560 Board, shall:

1561 (i) provide for the security of capitol hill [~~facilities and capitol hill grounds~~]; and

1562 (ii) enforce traffic provisions under Title 41, Chapter 6a, Traffic Code, and parking
1563 rules, as adopted by the State Capitol Preservation Board, for capitol hill [~~facilities and capitol~~
1564 ~~hill grounds~~].

1565 (b) The commissioner, in cooperation with the director of the Division of Facilities
1566 Construction and Management shall provide for the security of all grounds and buildings under
1567 the jurisdiction of the Division of Facilities Construction and Management.

1568 [~~(3)~~] (2) Security personnel required in Subsection [~~(2)~~] (1) shall be law enforcement
1569 officers as defined in Section 53-13-103.

1570 [~~(4)~~] (3) Security personnel who were actively employed and had five or more years of
1571 active service with Protective Services within the Utah Highway Patrol Division as special
1572 function officers, as defined in Section 53-13-105, on June 29, 1996, shall become law
1573 enforcement officers:

1574 (a) without a requirement of any additional training or examinations, if they have
1575 completed the entire law enforcement officer training of the Peace Officers Standards and

1576 Training Division; or

1577 (b) upon completing only the academic portion of the law enforcement officer training
1578 of the Peace Officers Standards and Training Division.

1579 ~~[(5)]~~ (4) An officer in a supervisory position with Protective Services within the Utah
1580 Highway Patrol Division shall be allowed to transfer the job title that the officer held on April
1581 28, 1996, into a comparable supervisory position of employment as a peace officer for as long
1582 as the officer remains with Protective Services within the Utah Highway Patrol Division.

1583 Section 22. Section **53-8-105** is amended to read:

1584 **53-8-105. Duties of Highway Patrol.**

1585 (1) In addition to the duties in this chapter, the Highway Patrol shall:

1586 (a) enforce the state laws and rules governing use of the state highways;

1587 (b) regulate traffic on all highways and roads of the state;

1588 (c) assist the governor in an emergency or at other times at his discretion;

1589 (d) in cooperation with federal, state, and local agencies, enforce and assist in the
1590 enforcement of all state and federal laws related to the operation of a motor carrier on a
1591 highway, including all state and federal rules and regulations;

1592 (e) inspect certain vehicles to determine road worthiness and safe condition as
1593 provided in Section 41-6a-1630;

1594 (f) upon request, assist with any condition of unrest existing or developing on a campus
1595 or related facility of an institution of higher education;

1596 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the
1597 state liquor laws;

1598 (h) provide security and protection for both houses of the Legislature while in session
1599 as the speaker of the House of Representatives and the president of the Senate find necessary;

1600 (i) enforce the state laws and rules governing use of ~~[the]~~ capitol hill ~~[complex as~~
1601 ~~defined in Section 63C-9-102]~~; and

1602 (j) carry out the following for the Supreme Court and the Court of Appeals:

1603 (i) provide security and protection to those courts when in session in the capital city of
1604 the state;

1605 (ii) execute orders issued by the courts; and

1606 (iii) carry out duties as directed by the courts.

1607 (2) (a) The division and the department shall annually:

1608 (i) evaluate the inventory of new and existing state highways, in coordination with
1609 relevant local law enforcement agencies, to determine which law enforcement agency is best
1610 suited to patrol and enforce state laws and regulate traffic on each state highway; and

1611 (ii) before October 1 of each year, report to the Transportation Interim Committee and
1612 the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

1613 (A) significant changes to the patrol and enforcement responsibilities resulting from
1614 the evaluation described in Subsection (2)(a)(i); and

1615 (B) any budget request necessary to accommodate additional patrol and enforcement
1616 responsibilities.

1617 (b) The division and the department shall, before July 1 of each year, coordinate with
1618 the Department of Transportation created in Section 72-1-201 regarding patrol and
1619 enforcement responsibilities described in Subsection (2)(a) and incident management services
1620 on state highways.

1621 Section 23. Section **53D-2-203** is amended to read:

1622 **53D-2-203. Land Trusts Protection and Advocacy Office director -- Appointment**
1623 **-- Removal -- Power and duties.**

1624 (1) (a) The advocacy committee shall:

1625 (i) discuss candidates who may qualify for appointment as the advocacy director, as
1626 described in Subsection (1)(b);

1627 (ii) determine the two most qualified candidates; and

1628 (iii) submit the names of those two candidates to the state treasurer as potential
1629 appointees for the advocacy director.

1630 (b) A potential appointee for advocacy director shall have significant expertise and
1631 qualifications relating to generating revenue to the school and institutional trust and the duties
1632 of the advocacy office and the advocacy director, which may include expertise in:

1633 (i) business;

1634 (ii) finance;

1635 (iii) economics;

1636 (iv) natural resources; or

1637 (v) advocacy.

1638 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint
1639 one as the advocacy director.

1640 (2) (a) An advocacy director shall serve a four-year term.

1641 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and
1642 state treasurer shall, in accordance with Subsection (1), appoint a replacement director for a
1643 four-year term.

1644 (3) The advocacy committee may remove the advocacy director during a meeting that
1645 is not closed as described in Section 52-4-204, if:

1646 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and

1647 (b) a majority of a committee quorum votes to remove the advocacy director.

1648 (4) In accordance with state and federal law, the advocacy director may attend a
1649 presentation, discussion, meeting, or other gathering related to the school and institutional trust.

1650 (5) In order to fulfill the duties of the advocacy office described in Section 53D-2-201,
1651 the advocacy director shall:

1652 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
1653 trustee obligations and duties related to the trust;

1654 (b) facilitate open communication among key individuals described in Subsection
1655 (5)(a);

1656 (c) actively seek necessary and accurate information;

1657 (d) review and, if necessary, recommend the state auditor audit, activities involved in:

1658 (i) generating trust revenue;

1659 (ii) protecting trust assets; or

1660 (iii) distributing funds for the exclusive use of trust beneficiaries;

1661 (e) promote accurate record keeping of all records relevant to the trust and distribution
1662 to trust beneficiaries;

1663 (f) report at least quarterly to the advocacy committee and the state treasurer on the
1664 current activities of the advocacy office;

1665 (g) annually submit a proposed advocacy office budget to the state treasurer;

1666 (h) regarding the trust's compliance with law, and among the School and Institutional
1667 Trust Lands System as a whole, report annually to:

1668 (i) the advocacy committee;

1669 (ii) the state treasurer;

1670 (iii) the State Board of Education; and

1671 (iv) the Executive Appropriations Committee;

1672 (i) annually send a financial report regarding the relevant individual trust, and, upon

1673 request, report in person to:

1674 (i) Utah State University, on behalf of the agricultural college trust;

1675 (ii) the University of Utah;

1676 (iii) the Utah State Hospital, on behalf of the mental hospital trust;

1677 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the institution for the

1678 blind trust and the deaf and dumb asylum trust;

1679 (v) the youth in custody program at the State Board of Education, on behalf of the

1680 reform school trust;

1681 (vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the

1682 reservoir trust;

1683 (vii) the College of Mines and Earth Sciences created in Section 53B-17-401;

1684 (viii) each state teachers' college, based on the college's annual number of teacher

1685 graduates, on behalf of the normal school trust;

1686 (ix) the Miners' Hospital described in Section 53B-17-201; and

1687 (x) the State Capitol Preservation Board, created in Section [~~63C-9-201~~] 63O-2-201,

1688 on behalf of the public buildings trust;

1689 (j) as requested by the state treasurer, draft proposed rules and submit the proposed

1690 rules to the advocacy committee for review;

1691 (k) in accordance with state and federal law, respond to external requests for

1692 information about the School and Institutional Trust Lands System;

1693 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:

1694 (i) at School and Institutional Trust Lands Administration meetings;

1695 (ii) at School and Institutional Trust Fund Office meetings; and

1696 (iii) with the media;

1697 (m) review proposed legislation that affects the school and institutional trust and trust

1698 beneficiaries and advocate for legislative change that best serves the interests of the trust

1699 beneficiaries; and

1700 (n) educate the public regarding the School and Institutional Trust Lands System.

1701 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
1702 director may have access to the financial reports and other data required for a review.

1703 Section 24. Section 55-5-6 is amended to read:

1704 **55-5-6. Definitions.**

1705 As used in this chapter:

1706 (1) "Food service" includes restaurant, cafeteria, snack bar, vending machines for food
1707 and beverages, and goods and services customarily offered in connection with them.

1708 (2) (a) "Public office building" means all county courthouses, all city or town halls, and
1709 all buildings used primarily for governmental offices of the state or any county, city, or town.

1710 (b) "Public office building" does not include a building or other facility on capitol hill[
1711 ~~facilities as defined in Section 63C-9-102~~], as defined in Section 63O-1-101, public schools,
1712 state colleges, or state universities.

1713 Section 25. Section 63A-5b-102 is amended to read:

1714 **63A-5b-102. Definitions.**

1715 As used in this chapter:

1716 [~~(1) "Capitol hill facilities" means the same as that term is defined in Section~~
1717 ~~63C-9-102.~~]

1718 [~~(2) "Capitol hill grounds" means the same as that term is defined in Section~~
1719 ~~63C-9-102.~~]

1720 (1) "Capitol hill" means the same as that term is defined in Section 63-1-101.

1721 [~~(3)~~] (2) "Compliance agency" means the same as that term is defined in Section
1722 15A-1-202.

1723 [~~(4)~~] (3) "Director" means the division director, appointed under Section 63A-5b-302.

1724 [~~(5)~~] (4) "Division" means the Division of Facilities Construction and Management
1725 created in Section 63A-5b-301.

1726 [~~(6)~~] (5) "Institution of higher education" means an institution listed in Subsection
1727 53B-2-101(1).

1728 [~~(7)~~] (6) "Trust lands administration" means the School and Institutional Trust Lands
1729 Administration established in Section 53C-1-201.

1730 [~~(8)~~] (7) "Utah Board of Higher Education" means the Utah Board of Higher Education

1731 established in Section 53B-1-402.

1732 Section 26. Section **63A-5b-303 (Superseded 07/01/24)** is amended to read:

1733 **63A-5b-303 (Superseded 07/01/24). Duties and authority of division.**

1734 (1) (a) The division shall:

1735 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in
1736 accordance with legislative directive through annual appropriations acts, other legislation, or
1737 statute, to agencies in all buildings or space owned, leased, or rented by or to the state, except
1738 as provided in Subsection (3) or as otherwise provided by statute;

1739 (ii) assure the efficient use of all building space under the division's supervision and
1740 control;

1741 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by
1742 the state or an agency, as authorized by the Legislature through an appropriation act, other
1743 legislation, or statute, subject to Subsection (1)(c);

1744 (iv) except as otherwise provided by statute, hold title to all real property, buildings,
1745 fixtures, and appurtenances owned by the state or an agency;

1746 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing
1747 title to or an interest in property belonging to the state or to the state's departments, except
1748 institutions of higher education and the trust lands administration;

1749 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and

1750 (B) include in a market analysis a comparison of the division's rates and fees with the
1751 rates and fees of other public or private sector providers of comparable services, if rates and
1752 fees for comparable services are reasonably available;

1753 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
1754 Efficiency, including responsibilities:

1755 (A) to implement the state building energy efficiency program under Section
1756 63A-5b-1002; and

1757 (B) related to the approval of loans from the State Facility Energy Efficiency Fund
1758 under Section 63A-5b-1003;

1759 (viii) convey, lease, or dispose of the real property, water rights, or water shares
1760 associated with the Utah State Developmental Center if directed to do so by the Utah State
1761 Developmental Center board, as provided in Subsection 26B-6-507(2); and

1762 (ix) take all other action that the division is required to do under this chapter or other
1763 applicable statute.

1764 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
1765 conduct one or more studies to determine the actual needs of each agency.

1766 (c) The division may, without legislative approval, acquire title to real property for use
1767 by the state or an agency if the acquisition cost does not exceed \$500,000.

1768 (2) The division may:

1769 (a) sue and be sued;

1770 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or
1771 otherwise, and hold real or personal property necessary for the discharge of the division's
1772 duties; and

1773 (c) take all other action necessary for carrying out the purposes of this chapter.

1774 (3) (a) The division may not supervise or control the allocation of space for an entity in
1775 the public education system.

1776 [~~(b) The supervision and control of the legislative area is reserved to the Legislature.]~~

1777 [~~(c) The supervision and control of capitol hill facilities and capitol hill grounds is
1778 reserved to the State Capitol Preservation Board.]~~

1779 (b) The division may not supervise or control capitol hill or any part of capitol hill.

1780 [~~(d)~~ (c) (i) Subject to Subsection [~~(3)(d)(ii)~~] (3)(c)(ii), the supervision and control of
1781 the allocation of space for an institution of higher education is reserved to the Utah Board of
1782 Higher Education.

1783 (ii) The Utah Board of Higher Education shall consult and cooperate with the division
1784 in the establishment and enforcement of standards for the supervision and control of the
1785 allocation of space for an institution of higher education.

1786 [~~(e)~~ (d) (i) Subject to Subsection [~~(3)(e)(ii)~~] (3)(d)(ii), the supervision and control of
1787 the allocation of space for the courts of record listed in Subsection 78A-1-101(1) is reserved to
1788 the Administrative Office of the Courts referred to in Subsection 78A-2-108(3).

1789 (ii) The Administrative Office of the Courts shall consult and cooperate with the
1790 division in the establishment and enforcement of standards for the supervision and control of
1791 the allocation of space for the courts of record listed in Subsection 78A-1-101(1).

1792 (4) Before the division charges a rate, fee, or other amount for a service provided by

1793 the division's internal service fund to an executive branch agency, or to a service subscriber
1794 other than an executive branch agency, the division shall:

1795 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee
1796 created in Section 63A-1-114; and

1797 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or
1798 63J-1-504.

1799 Section 27. Section **63A-5b-303 (Effective 07/01/24)** is amended to read:

1800 **63A-5b-303 (Effective 07/01/24). Duties and authority of division.**

1801 (1) (a) The division shall:

1802 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in
1803 accordance with legislative directive through annual appropriations acts, other legislation, or
1804 statute, to agencies in all buildings or space owned, leased, or rented by or to the state, except
1805 as provided in Subsection (3) or as otherwise provided by statute;

1806 (ii) assure the efficient use of all building space under the division's supervision and
1807 control;

1808 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by
1809 the state or an agency, as authorized by the Legislature through an appropriation act, other
1810 legislation, or statute, subject to Subsection (1)(c);

1811 (iv) except as otherwise provided by statute, hold title to all real property, buildings,
1812 fixtures, and appurtenances owned by the state or an agency;

1813 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing
1814 title to or an interest in property belonging to the state or to the state's departments, except
1815 institutions of higher education and the trust lands administration;

1816 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and

1817 (B) include in a market analysis a comparison of the division's rates and fees with the
1818 rates and fees of other public or private sector providers of comparable services, if rates and
1819 fees for comparable services are reasonably available;

1820 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
1821 Efficiency, including responsibilities:

1822 (A) to implement the state building energy efficiency program under Section
1823 63A-5b-1002; and

1824 (B) related to the approval of loans from the State Facility Energy Efficiency Fund
1825 under Section 63A-5b-1003;

1826 (viii) convey, lease, or dispose of the real property, water rights, or water shares
1827 associated with the Utah State Developmental Center if directed to do so by the Utah State
1828 Developmental Center board, as provided in Subsection 26B-6-507(2); and

1829 (ix) take all other action that the division is required to do under this chapter or other
1830 applicable statute.

1831 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
1832 conduct one or more studies to determine the actual needs of each agency.

1833 (c) The division may, without legislative approval, acquire title to real property for use
1834 by the state or an agency if the acquisition cost does not exceed \$500,000.

1835 (2) The division may:

1836 (a) sue and be sued;

1837 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or
1838 otherwise, and hold real or personal property necessary for the discharge of the division's
1839 duties; and

1840 (c) take all other action necessary for carrying out the purposes of this chapter.

1841 (3) (a) The division may not supervise or control the allocation of space for an entity in
1842 the public education system.

1843 [~~(b) The supervision and control of the legislative area is reserved to the Legislature.]~~

1844 [~~(c) The supervision and control of capitol hill facilities and capitol hill grounds is
1845 reserved to the State Capitol Preservation Board.]~~

1846 (b) The division may not supervise or control capitol hill or any part of capitol hill.

1847 [~~(d)~~] (c) (i) Subject to Subsection [~~(3)(d)(ii)~~] (3)(c)(ii), the supervision and control of
1848 the allocation of space for an institution of higher education is reserved to the Utah Board of
1849 Higher Education.

1850 (ii) The Utah Board of Higher Education shall consult and cooperate with the division
1851 in the establishment and enforcement of standards for the supervision and control of the
1852 allocation of space for an institution of higher education.

1853 [~~(e)~~] (d) (i) Subject to Subsection [~~(3)(e)(ii)~~] (3)(d)(ii), the supervision and control of
1854 the allocation of space for the courts of record listed in Subsection 78A-1-101(1) is reserved to

1855 the Administrative Office of the Courts described in Section 78A-2-108.

1856 (ii) The Administrative Office of the Courts shall consult and cooperate with the
1857 division in the establishment and enforcement of standards for the supervision and control of
1858 the allocation of space for the courts of record listed in Subsection 78A-1-101(1).

1859 (4) Before the division charges a rate, fee, or other amount for a service provided by
1860 the division's internal service fund to an executive branch agency, or to a service subscriber
1861 other than an executive branch agency, the division shall:

1862 (a) submit an analysis of the proposed rate, fee, or other amount to the rate committee
1863 created in Section 63A-1-114; and

1864 (b) obtain the approval of the Legislature as required by Section 63J-1-410 or
1865 63J-1-504.

1866 Section 28. Section **63A-5b-607** is amended to read:

1867 **63A-5b-607. Health insurance requirements -- Penalties.**

1868 (1) As used in this section:

1869 (a) "Aggregate amount" means the dollar sum of all contracts, change orders, and
1870 modifications for a single project.

1871 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

1872 (c) "Eligible employee" means an employee, as defined in Section 34A-2-104, who:

1873 (i) works at least 30 hours per calendar week; and

1874 (ii) meets the employer eligibility waiting period for qualified health insurance
1875 coverage provided by the employer.

1876 (d) "Health benefit plan" means:

1877 (i) the same as that term is defined in Section 31A-1-301; or

1878 (ii) an employee welfare benefit plan:

1879 (A) established under the Employee Retirement Income Security Act of 1974, 29
1880 U.S.C. Sec. 1001 et seq.;

1881 (B) for an employer with 100 or more employees; and

1882 (C) in which the employer establishes a self-funded or partially self-funded group
1883 health plan to provide medical care for the employer's employees and dependents of the
1884 employees.

1885 (e) "Qualified health insurance coverage" means the same as that term is defined in

1886 Section 26B-3-909.

1887 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

1888 (g) "Third party administrator" or "administrator" means the same as that term is
1889 defined in Section 31A-1-301.

1890 (2) Except as provided in Subsection (3), the requirements of this section apply to:

1891 (a) a contractor of a design or construction contract with the division if the prime
1892 contract is in an aggregate amount of \$2,000,000 or more; and

1893 (b) a subcontractor of a contractor of a design or construction contract with the division
1894 if the subcontract is in an aggregate amount of \$1,000,000 or more.

1895 (3) The requirements of this section do not apply to a contractor or subcontractor if:

1896 (a) the application of this section jeopardizes the division's receipt of federal funds;

1897 (b) the contract is a sole source contract, as defined in Section 63G-6a-103; or

1898 (c) the contract is the result of an emergency procurement.

1899 (4) A person who intentionally uses a change order, contract modification, or multiple
1900 contracts to circumvent the requirements of this section is guilty of an infraction.

1901 (5) (a) A contractor that is subject to the requirements of this section shall:

1902 (i) make and maintain an offer of qualified health coverage for the contractor's eligible
1903 employees and the eligible employees' dependents; and

1904 (ii) submit to the director a written statement demonstrating that the contractor is in
1905 compliance with Subsection (5)(a)(i).

1906 (b) A statement under Subsection (5)(a)(ii):

1907 (i) shall be from:

1908 (A) an actuary selected by the contractor or the contractor's insurer;

1909 (B) an underwriter who is responsible for developing the employer group's premium
1910 rates; or

1911 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
1912 an actuary or underwriter selected by a third party administrator; and

1913 (ii) may not be created more than one year before the day on which the contractor
1914 submits the statement to the director.

1915 (c) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
1916 shall provide the actuary or underwriter selected by an administrator, as described in

1917 Subsection (5)(b)(i)(C), sufficient information to determine whether the contractor's
1918 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
1919 requirements of qualified health coverage.

1920 (ii) A contractor may not make a change to the contractor's contribution to the health
1921 benefit plan, unless the contractor provides notice to:

1922 (A) the actuary or underwriter selected by an administrator, as described in Subsection
1923 (5)(b)(i)(C), for the actuary or underwriter to update the written statement described in
1924 Subsection (5)(a) in compliance with this section; and

1925 (B) the division.

1926 (6) (a) A contractor that is subject to the requirements of this section shall:

1927 (i) ensure that each contract the contractor enters with a subcontractor that is subject to
1928 the requirements of this section requires the subcontractor to obtain and maintain an offer of
1929 qualified health coverage for the subcontractor's eligible employees and the eligible employees'
1930 dependents during the duration of the subcontract; and

1931 (ii) obtain from a subcontractor referred to in Subsection (6)(a)(i) a written statement
1932 demonstrating that the subcontractor offers qualified health coverage to eligible employees and
1933 eligible employees' dependents.

1934 (b) A statement under Subsection (6)(a)(ii):

1935 (i) shall be from:

1936 (A) an actuary selected by the subcontractor or the subcontractor's insurer;

1937 (B) an underwriter who is responsible for developing the employer group's premium
1938 rates; or

1939 (C) if the subcontractor provides a health benefit plan described in Subsection
1940 (1)(d)(ii), an actuary or underwriter selected by an administrator; and

1941 (ii) may not be created more than one year before the day on which the contractor
1942 obtains the statement from the subcontractor.

1943 (7) (a) (i) A contractor that fails to maintain an offer of qualified health coverage
1944 during the duration of the contract as required in this section is subject to penalties in
1945 accordance with administrative rules made by the division under this section, in accordance
1946 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1947 (ii) A contractor is not subject to penalties for the failure of a subcontractor to obtain

1948 and maintain an offer of qualified health coverage as required in this section.

1949 (b) (i) A subcontractor that fails to obtain and maintain an offer of qualified health
1950 coverage during the duration of the subcontract as required in this section is subject to penalties
1951 in accordance with administrative rules made by the division under this section, in accordance
1952 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1953 (ii) A subcontractor is not subject to penalties for the failure of a contractor to maintain
1954 an offer of qualified health coverage as required in this section.

1955 (8) The division shall make rules:

1956 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1957 (b) in coordination with:

1958 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

1959 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

1960 (iii) a public transit district in accordance with Section 17B-2a-818.5;

1961 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]

1962 63O-2-403;

1963 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

1964 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

1965 and

1966 (c) that establish:

1967 (i) the requirements and procedures for a contractor and a subcontractor to demonstrate
1968 compliance with this section, including:

1969 (A) a provision that a contractor or subcontractor's compliance with this section is
1970 subject to an audit by the division or the Office of the Legislative Auditor General;

1971 (B) a provision that a contractor that is subject to the requirements of this section
1972 obtain a written statement as provided in Subsection (5); and

1973 (C) a provision that a subcontractor that is subject to the requirements of this section
1974 obtain a written statement as provided in Subsection (6);

1975 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
1976 violates the provisions of this section, which may include:

1977 (A) a three-month suspension of the contractor or subcontractor from entering into a
1978 future contract with the state upon the first violation;

1979 (B) a six-month suspension of the contractor or subcontractor from entering into a
1980 future contract with the state upon the second violation;

1981 (C) an action for debarment of the contractor or subcontractor in accordance with
1982 Section 63G-6a-904 upon the third or subsequent violation; and

1983 (D) monetary penalties which may not exceed 50% of the amount necessary to
1984 purchase qualified health coverage for eligible employees and dependents of eligible
1985 employees of the contractor or subcontractor who were not offered qualified health coverage
1986 during the duration of the contract; and

1987 (iii) a website for the department to post the commercially equivalent benchmark for
1988 the qualified health coverage that is provided by the Department of Health and Human Services
1989 in accordance with Subsection 26B-3-909(2).

1990 (9) During the duration of a contract, the division may perform an audit to verify a
1991 contractor or subcontractor's compliance with this section.

1992 (10) (a) Upon the division's request, a contractor or subcontractor shall provide the
1993 division:

1994 (i) a signed actuarial certification that the coverage the contractor or subcontractor
1995 offers is qualified health coverage; or

1996 (ii) all relevant documents and information necessary for the division to determine
1997 compliance with this section.

1998 (b) If a contractor or subcontractor provides the documents and information described
1999 in Subsection (10)(a)(i), the Insurance Department shall assist the division in determining if the
2000 coverage the contractor or subcontractor offers is qualified health coverage.

2001 (11) (a) (i) In addition to the penalties imposed under Subsection (7), a contractor or
2002 subcontractor that intentionally violates the provisions of this section is liable to an eligible
2003 employee for health care costs that would have been covered by qualified health coverage.

2004 (ii) An employer has an affirmative defense to a cause of action under Subsection
2005 (11)(a)(i) if:

2006 (A) the employer relied in good faith on a written statement described in Subsection (5)
2007 or (6); or

2008 (B) the department determines that compliance with this section is not required under
2009 the provisions of Subsection (3).

2010 (b) An eligible employee has a private right of action against the employee's employer
2011 only as provided in this Subsection (11).

2012 (12) The director shall cause money collected from the imposition and collection of a
2013 penalty under this section to be deposited into the Medicaid Restricted Account created by
2014 Section 26B-1-309.

2015 (13) The failure of a contractor or subcontractor to provide qualified health coverage as
2016 required by this section:

2017 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
2018 or contractor under:

2019 (i) Section 63G-6a-1602; or

2020 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

2021 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
2022 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
2023 or construction.

2024 (14) An employer's waiting period for an employee to become eligible for qualified
2025 health coverage may not extend beyond the first day of the calendar month following 60 days
2026 after the day on which the employee is hired.

2027 (15) An administrator, including an administrator's actuary or underwriter, who
2028 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
2029 coverage of a contractor or subcontractor who provides a health benefit plan described in
2030 Subsection (1)(d)(ii):

2031 (a) subject to Subsection (11)(b), is not liable for an error in the written statement,
2032 unless the administrator commits gross negligence in preparing the written statement;

2033 (b) is not liable for any error in the written statement if the administrator relied in good
2034 faith on information from the contractor or subcontractor; and

2035 (c) may require as a condition of providing the written statement that a contractor or
2036 subcontractor hold the administrator harmless for an action arising under this section.

2037 Section 29. Section **63G-1-503 (Effective 03/09/24)** is amended to read:

2038 **63G-1-503 (Effective 03/09/24). Historic state flag -- Description -- Image --**
2039 **Display.**

2040 (1) The historic state flag shall be a flag of blue field, with the following device

2041 worked in natural colors on the center of the blue field:
2042 (a) in the center a shield;
2043 (b) above the shield and thereon an American eagle with outstretched wings;
2044 (c) the top of the shield pierced with six arrows arranged crosswise;
2045 (d) upon the shield under the arrows the word "Industry," and below the word
2046 "Industry" on the center of the shield, a beehive;
2047 (e) on each side of the beehive, growing sego lilies;
2048 (f) below the beehive and near the bottom of the shield, the word "Utah";
2049 (g) below the word "Utah" and on the bottom of the shield, the figures "1847";
2050 (h) behind the shield, there shall be two American flags on flagstuffs placed crosswise
2051 with the flags so draped to project beyond each side of the shield, the heads of the flagstuffs
2052 appearing in front of the eagle's wings and the bottom of each staff appearing over the face of
2053 the draped flag below the shield;
2054 (i) below the shield and flags and upon the blue field, the figures "1896"; and
2055 (j) around the entire design, a narrow circle in gold.
2056 (2) The historic state flag shall appear consistent with any of the following three
2057 images:

2058



2059



2060



2061 (3) All citizens maintain the right to use the historic state flag upon any occasion
2062 deemed fitting and appropriate.

2063 (4) The lieutenant governor shall establish standards and specifications for the
2064 manufacture and display of the historic state flag.

2065 (5) The historic state flag shall be displayed:

2066 (a) on state property during legal holidays described in Section 63G-1-301, as deemed

2067 appropriate by the governor; and

2068 (b) [~~on the capitol hill complex, as defined in Section 63C-9-102~~] at capitol hill, as
2069 defined in Section 63O-1-101, during the annual general session of the Legislature.

2070 (6) (a) The historic state flag may be displayed on state property for ceremonial
2071 purposes, so long as the flag is serviceable.

2072 (b) The historic state flag shall be replaced by the state flag of Utah, as described in
2073 Section 63G-1-501, when the historic state flag is not displayed for ceremonial purposes.

2074 (c) When displaying the historic state flag on public grounds in any location where the
2075 state flag of Utah, as described in Section 63G-1-501, is also displayed, the governmental
2076 entity responsible for the display of the flags shall ensure that the historic state flag is displayed
2077 beneath the state flag of Utah.

2078 Section 30. Section **63G-1-702** is amended to read:

2079 **63G-1-702. Definitions.**

2080 As used in this part:

2081 (1) "Capitol hill complex" [~~is as defined in Section 63C-9-102~~] means capitol hill, as
2082 defined in Section 63O-1-101.

2083 (2) (a) "Flag" means a depiction or emblem made from fabric or cloth.

2084 (b) "Flag" does not include a depiction or emblem made from:

2085 (i) lights;

2086 (ii) paint;

2087 (iii) roofing;

2088 (iv) siding;

2089 (v) paving materials;

2090 (vi) flora;

2091 (vii) balloons; or

2092 (viii) any other building, landscaping, or decorative component other than fabric or
2093 cloth.

2094 (3) "Flag of the United States" is the flag described in United States Code Title 4,
2095 Chapter 1, The Flag.

2096 (4) "POW/MIA flag" means the POW/MIA flag of the National League of Families of
2097 American Prisoners and Missing in Southeast Asia.

- 2098 Section 31. Section **63I-1-263** is amended to read:
- 2099 **63I-1-263. Repeal dates: Titles 63A to 63N.**
- 2100 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 2101 improvement funding, is repealed July 1, 2024.
- 2102 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 2103 2023.
- 2104 (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 2105 Committee, are repealed July 1, 2023.
- 2106 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 2107 1, 2028.
- 2108 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 2109 2025.
- 2110 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 2111 2024.
- 2112 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 2113 repealed July 1, 2023.
- 2114 (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
- 2115 December 31, 2026.
- 2116 (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
- 2117 repealed July 1, 2026.
- 2118 (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 2119 (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 2120 (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
- 2121 31, 2024.
- 2122 (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
- 2123 repealed on July 1, 2028.
- 2124 (14) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
- 2125 Advisory Board, is repealed July 1, 2026.
- 2126 (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
- 2127 2028.
- 2128 (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,

- 2129 2024.
- 2130 (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2131 (18) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
2132 repealed January 1, 2025.
- 2133 (19) Section 63L-11-204, creating a canyon resource management plan to Provo
2134 Canyon, is repealed July 1, 2025.
- 2135 (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is
2136 repealed July 1, 2027.
- 2137 (21) In relation to the Utah Substance Use and Mental Health Advisory Council, on
2138 January 1, 2033:
- 2139 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
2140 repealed;
- 2141 (b) Section 63M-7-305, the language that states "council" is replaced with
2142 "commission";
- 2143 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:
2144 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
2145 (d) Subsection 63M-7-305(2) is repealed and replaced with:
2146 "(2) The commission shall:
- 2147 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
2148 Drug-Related Offenses Reform Act; and
- 2149 (b) coordinate the implementation of Section 77-18-104 and related provisions in
2150 Subsections 77-18-103(2)(c) and (d)."
- 2151 (22) The Crime Victim Reparations and Assistance Board, created in Section
2152 63M-7-504, is repealed July 1, 2027.
- 2153 (23) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed July 1,
2154 2026.
- 2155 (24) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 2156 (25) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed
2157 January 1, 2025.
- 2158 (26) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2159 (27) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July

- 2160 1, 2028.
- 2161 (28) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed
- 2162 July 1, 2027.
- 2163 (29) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
- 2164 repealed July 1, 2025.
- 2165 (30) In relation to the Rural Employment Expansion Program, on July 1, 2028:
- 2166 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
- 2167 and
- 2168 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
- 2169 Program, is repealed.
- 2170 (31) In relation to the Board of Tourism Development, on July 1, 2025:
- 2171 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;
- 2172 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
- 2173 repealed and replaced with "Utah Office of Tourism";
- 2174 (c) Subsection 63N-7-101(1), which defines "board," is repealed;
- 2175 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
- 2176 approval from the Board of Tourism Development, is repealed; and
- 2177 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.
- 2178 (32) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic
- 2179 Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed
- 2180 on July 1, 2024.
- 2181 Section 32. Section **63I-2-263** is amended to read:
- 2182 **63I-2-263. Repeal dates: Title 63A to Title 63N.**
- 2183 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
- 2184 Procurement Advisory Council is repealed July 1, 2025.
- 2185 (2) Section 63A-17-303 is repealed July 1, 2023.
- 2186 (3) Section 63A-17-806 is repealed June 30, 2026.
- 2187 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
- 2188 Commission is repealed July 1, 2023.
- 2189 (5) Section 63H-7a-303 is repealed July 1, 2024.
- 2190 (6) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety

2191 communications network, is repealed July 1, 2033.

2192 (7) Subsection 63J-1-602.2(45), which lists appropriations to the State Tax
2193 Commission for property tax deferral reimbursements, is repealed July 1, 2027.

2194 (8) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same taxable
2195 year as the targeted business income tax credit, is repealed December 31, 2024.

2196 (9) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise
2197 Zone, is repealed December 31, 2024.

2198 Section 33. Section **63J-1-602.2 (Superseded 07/01/24)** is amended to read:

2199 **63J-1-602.2 (Superseded 07/01/24). List of nonlapsing appropriations to**
2200 **programs.**

2201 Appropriations made to the following programs are nonlapsing:

2202 (1) The Legislature and the Legislature's committees.

2203 (2) The State Board of Education, including all appropriations to agencies, line items,
2204 and programs under the jurisdiction of the State Board of Education, in accordance with
2205 Section 53F-9-103.

2206 (3) The Rangeland Improvement Act created in Section 4-20-101.

2207 (4) The Percent-for-Art Program created in Section 9-6-404.

2208 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.

2209 (6) The Utah Lake Authority created in Section 11-65-201.

2210 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
2211 Subsection 17-16-21(2)(d)(ii).

2212 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.

2213 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
2214 26B-3-108(7).

2215 (10) The Emergency Medical Services Grant Program in Section 26B-4-107.

2216 (11) The primary care grant program created in Section 26B-4-310.

2217 (12) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.

2218 (13) The Utah Health Care Workforce Financial Assistance Program created in Section
2219 26B-4-702.

2220 (14) The Rural Physician Loan Repayment Program created in Section 26B-4-703.

2221 (15) The Utah Medical Education Council for the:

- 2222 (a) administration of the Utah Medical Education Program created in Section
2223 26B-4-707;
- 2224 (b) provision of medical residency grants described in Section 26B-4-711; and
2225 (c) provision of the forensic psychiatric fellowship grant described in Section
2226 26B-4-712.
- 2227 (16) The Division of Services for People with Disabilities, as provided in Section
2228 26B-6-402.
- 2229 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance
2230 with Subsection 32B-2-301(8)(a) or (b).
- 2231 (18) The General Assistance program administered by the Department of Workforce
2232 Services, as provided in Section 35A-3-401.
- 2233 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2234 (20) The Search and Rescue Financial Assistance Program, as provided in Section
2235 53-2a-1102.
- 2236 (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2237 (22) The Utah Board of Higher Education for teacher preparation programs, as
2238 provided in Section 53B-6-104.
- 2239 (23) Innovation grants under Section 53G-10-608, except as provided in Subsection
2240 53G-10-608(6).
- 2241 (24) The Division of Fleet Operations for the purpose of upgrading underground
2242 storage tanks under Section 63A-9-401.
- 2243 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 2244 (26) The Division of Technology Services for technology innovation as provided under
2245 Section 63A-16-903.
- 2246 (27) The State Capitol Preservation Board created by Section [~~63C-9-201~~] 63O-2-201.
- 2247 (28) The Office of Administrative Rules for publishing, as provided in Section
2248 63G-3-402.
- 2249 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
2250 Colorado River Authority of Utah Act.
- 2251 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
2252 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2253 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
2254 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

2255 (32) County correctional facility contracting program for state inmates as described in
2256 Section 64-13e-103.

2257 (33) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.

2258 (34) The Division of Human Resource Management user training program, as provided
2259 in Section 63A-17-106.

2260 (35) A public safety answering point's emergency telecommunications service fund, as
2261 provided in Section 69-2-301.

2262 (36) The Traffic Noise Abatement Program created in Section 72-6-112.

2263 (37) The money appropriated from the Navajo Water Rights Negotiation Account to
2264 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
2265 settlement of federal reserved water right claims.

2266 (38) The Judicial Council for compensation for special prosecutors, as provided in
2267 Section 77-10a-19.

2268 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.

2269 (40) The Utah Geological Survey, as provided in Section 79-3-401.

2270 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2271 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2272 78B-6-144.5.

2273 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2274 Defense Commission.

2275 (44) The program established by the Division of Facilities Construction and
2276 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2277 and pay lease payments for the use and occupancy of buildings owned by the Division of
2278 Facilities Construction and Management.

2279 (45) The State Tax Commission for reimbursing counties for deferred property taxes in
2280 accordance with Section 59-2-1802.5.

2281 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
2282 Section 34. Section **63J-1-602.2 (Effective 07/01/24)** is amended to read:

2283 **63J-1-602.2 (Effective 07/01/24). List of nonlapsing appropriations to programs.**

- 2284 Appropriations made to the following programs are nonlapsing:
- 2285 (1) The Legislature and the Legislature's committees.
- 2286 (2) The State Board of Education, including all appropriations to agencies, line items,
2287 and programs under the jurisdiction of the State Board of Education, in accordance with
2288 Section 53F-9-103.
- 2289 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 2290 (4) The Percent-for-Art Program created in Section 9-6-404.
- 2291 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- 2292 (6) The Utah Lake Authority created in Section 11-65-201.
- 2293 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
2294 Subsection 17-16-21(2)(d)(ii).
- 2295 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 2296 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
2297 26B-3-108(7).
- 2298 (10) The primary care grant program created in Section 26B-4-310.
- 2299 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 2300 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
2301 26B-4-702.
- 2302 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 2303 (14) The Utah Medical Education Council for the:
- 2304 (a) administration of the Utah Medical Education Program created in Section
2305 26B-4-707;
- 2306 (b) provision of medical residency grants described in Section 26B-4-711; and
- 2307 (c) provision of the forensic psychiatric fellowship grant described in Section
2308 26B-4-712.
- 2309 (15) The Division of Services for People with Disabilities, as provided in Section
2310 26B-6-402.
- 2311 (16) Funds that the Department of Alcoholic Beverage Services retains in accordance
2312 with Subsection 32B-2-301(8)(a) or (b).
- 2313 (17) The General Assistance program administered by the Department of Workforce
2314 Services, as provided in Section 35A-3-401.

- 2315 (18) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2316 (19) The Search and Rescue Financial Assistance Program, as provided in Section
2317 53-2a-1102.
- 2318 (20) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 2319 (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2320 (22) The Utah Board of Higher Education for teacher preparation programs, as
2321 provided in Section 53B-6-104.
- 2322 (23) Innovation grants under Section 53G-10-608, except as provided in Subsection
2323 53G-10-608(6).
- 2324 (24) The Division of Fleet Operations for the purpose of upgrading underground
2325 storage tanks under Section 63A-9-401.
- 2326 (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 2327 (26) The Division of Technology Services for technology innovation as provided under
2328 Section 63A-16-903.
- 2329 (27) The State Capitol Preservation Board created by Section 63C-9-201.
- 2330 (28) The Office of Administrative Rules for publishing, as provided in Section
2331 63G-3-402.
- 2332 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
2333 Colorado River Authority of Utah Act.
- 2334 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
2335 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2336 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
2337 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 2338 (32) County correctional facility contracting program for state inmates as described in
2339 Section 64-13e-103.
- 2340 (33) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 2341 (34) The Division of Human Resource Management user training program, as provided
2342 in Section 63A-17-106.
- 2343 (35) A public safety answering point's emergency telecommunications service fund, as
2344 provided in Section 69-2-301.
- 2345 (36) The Traffic Noise Abatement Program created in Section 72-6-112.

2346 (37) The money appropriated from the Navajo Water Rights Negotiation Account to
2347 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
2348 settlement of federal reserved water right claims.

2349 (38) The Judicial Council for compensation for special prosecutors, as provided in
2350 Section 77-10a-19.

2351 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.

2352 (40) The Utah Geological Survey, as provided in Section 79-3-401.

2353 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2354 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2355 78B-6-144.5.

2356 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2357 Defense Commission.

2358 (44) The program established by the Division of Facilities Construction and
2359 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2360 and pay lease payments for the use and occupancy of buildings owned by the Division of
2361 Facilities Construction and Management.

2362 (45) The State Tax Commission for reimbursing counties for deferred property taxes in
2363 accordance with Section 59-2-1802.5.

2364 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
2365 Section 35. Section **63O-1-101** is enacted to read:

2366 **TITLE 63O. CAPITOL HILL**

2367 **CHAPTER 1. CONTROL AND MAINTENANCE OF CAPITOL HILL**

2368 **Part 1. General Provisions**

2369 **63O-1-101. Definitions.**

2370 As used in this title:

2371 (1) "Architectural integrity" means the architectural elements, materials, color, and
2372 quality of the original building construction.

2373 (2) "Area of joint control" means all areas that are specified under this chapter as being
2374 under the direction and control of both the Legislature and the governor.

2375 (3) "Board" means the State Capitol Preservation Board created in Section 63C-9-201.

2376 (4) "Capitol hill" means the following, in Salt Lake City:

2377 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made
2378 and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North
2379 Street, and East Capitol Boulevard;

2380 (b) the White Community Memorial Chapel, including the grounds, monuments,
2381 parking areas, buildings, structures, and other man-made and natural objects on the property;

2382 (c) the Council Hall Travel Information Center, including the grounds, monuments,
2383 parking areas, buildings, structures, and other man-made and natural objects on the property;

2384 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:

2385 (i) the grounds, monuments, parking areas, buildings, structures, and other man-made
2386 and natural objects on the property; and

2387 (ii) the other state-owned property within the area bounded by Columbus Street, North
2388 Main Street, and Apricot Avenue;

2389 (e) the Central Plant, located to the southeast of the intersection of 500 North and
2390 Columbus Street;

2391 (f) the state-owned property within the area bounded by Columbus Street, Wall Street,
2392 and 400 North Street; and

2393 (g) the state-owned property within the area bounded by Columbus Street, West
2394 Capitol Street, and 500 North Street.

2395 (5) "Governor's area" means all areas, other than an area of joint control, that are
2396 specified under this chapter as being under the direction and control of the governor.

2397 (6) "House Building" means the west building on capitol hill that is located northwest
2398 of the State Capitol, southwest of the North Building, and west of the Senate Building.

2399 (7) "Legislative area" means all areas, other than an area of joint control, that are
2400 specified under this chapter as being under the direction and control of the Legislature.

2401 (8) "Legislative day" means:

2402 (a) a day during the annual general session of the Legislature;

2403 (b) a day during a special session of the Legislature;

2404 (c) a day during which the House of Representatives is convened under Utah
2405 Constitution, Article VI, Section 17;

2406 (d) a day during which the Senate is convened under Utah Constitution, Article VI,
2407 Section 18;

2408 (e) a day during a veto override session; or

2409 (f) a day designated by the Legislative Management Committee as a legislative day for
2410 meetings of the House of Representatives, the Senate, or a committee, task force, caucus, or
2411 other group of the legislative branch.

2412 (9) "North Building" means the building on capitol hill that is located north of the State
2413 Capitol, northeast of the House Building, and northwest of the Senate Building.

2414 (10) "Senate Building" means the building on capitol hill that is located northeast of
2415 the State Capitol, southeast of the North Building, and East of the House Building.

2416 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

2417 (12) (a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the
2418 basement level of capitol hill.

2419 (b) "Tunnels" does not include the underground parking.

2420 Section 36. Section **63O-1-201** is enacted to read:

2421 **Part 2. Buildings, Structures, and Grounds**

2422 **63O-1-201. Capitol building -- Direction and Control.**

2423 (1) In the basement of the State Capitol:

2424 (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the
2425 direction and control of the board, which shall allocate space, as needed, for security offices,
2426 the Supreme Court, and others;

2427 (b) the following areas are under the direction and control of the Legislature:

2428 (i) the Legislative Printing office and Bill Room;

2429 (ii) the Sergeant Lounge; and

2430 (iii) the press room; and

2431 (c) the following areas in the southwest corner are under the direction and control of
2432 the governor:

2433 (i) the governor's parking area;

2434 (ii) the operations center;

2435 (iii) the executive suite; and

2436 (iv) the executive detail area.

2437 (2) On the first floor of the State Capitol:

2438 (a) the following are under the direction and control of the governor:

- 2439 (i) the office suites located on the northwest and southwest sides; and
2440 (ii) the dignitary holding area and elevator, which the Legislature may schedule
2441 through the Utah Highway Patrol Dignitary Protection Bureau;
2442 (b) suite 180, in the southeast corner, is under the direction and control of board and
2443 assigned for the use of the state treasurer; and
2444 (c) the following are under the direction and control of the board:
2445 (i) the board offices, located in suite 120, immediately to the east of the State Capitol's
2446 north entrance;
2447 (ii) the Visitor Services Office, located in suite 130, immediately to the west of the
2448 State Capitol's north entrance;
2449 (iii) the vending room to the south of the Visitor Services Office;
2450 (iv) all vestibules, and the room on the east of the south vestibule;
2451 (v) the public area beneath the rotunda and the adjacent public areas;
2452 (vi) all conference rooms and storage rooms accessed from the areas described in
2453 Subsection (2)(c)(vi);
2454 (vii) suite 110, to the south of the board offices;
2455 (viii) the Visitors Center; and
2456 (ix) the Presentation Room.
2457 (3) On the second floor of the State Capitol:
2458 (a) suite 250, in the northeast corner, is under the direction and control of the
2459 Legislature;
2460 (b) before July 1, 2024, suite 260, to the west of suite 250, is under the direction and
2461 control of the board and assigned for the use of the state auditor;
2462 (c) beginning on July 1, 2024, suite 260, to the west of suite 250, is under the direction
2463 and control of the Legislature;
2464 (d) suite 230, in the southeast corner, is under the direction and control of the board
2465 and assigned for the use of the attorney general;
2466 (e) the following are under the direction and control of the governor:
2467 (i) suite 220, to the west of suite 230;
2468 (ii) suite 200, at the west end of the floor; and
2469 (iii) suite 270, in the central north area;

2470 (f) the Gold Room, including the adjacent pantry:
2471 (i) is under the direction and control of the governor and the Legislature; and
2472 (ii) is scheduled through the governor, with the governor having scheduling priority;
2473 (g) the Capitol Board Room:
2474 (i) is under the direction and control of the governor and the Legislature; and
2475 (ii) is scheduled through the board, as follows:
2476 (A) on a day other than a legislative day:
2477 (I) the governor and lieutenant governor have first scheduling priority, regardless of
2478 whether the Legislature or any other party has already scheduled the room; and
2479 (II) the Legislature has second scheduling priority, regardless of whether a party, other
2480 than the governor or lieutenant governor, has already scheduled the room;
2481 (B) on a legislative day:
2482 (I) the Legislature has first scheduling priority, regardless of whether the governor, the
2483 lieutenant governor, or any other party has already scheduled the room; and
2484 (II) the governor and lieutenant governor have second scheduling priority, regardless of
2485 whether a party, other than the Legislature, has already scheduled the room;
2486 (C) if the reservation of a person who schedules the room is canceled under Subsection
2487 (3)(g)(i)(A) or (B), the board shall give the person as much notice as possible to schedule
2488 another site;
2489 (D) subject to Subsections (3)(g)(i)(A) or (B), other executive branch or judicial branch
2490 entities may schedule the room on a first come, first-served, basis; and
2491 (E) subject to Subsections (3)(g)(i)(A) or (B), and the board's rules for use of capitol
2492 hill facilities, other persons may schedule the room on a first come, first-served, basis;
2493 (h) the following areas are under the direction and control of the board:
2494 (i) the grand staircases;
2495 (ii) the rotunda;
2496 (iii) the kitchen adjacent to the Gold Room; and
2497 (iv) the open areas that are:
2498 (A) east of the rotunda to the doors of the Capitol Board Room;
2499 (B) west of the rotunda, to the entrance to the governor's office;
2500 (C) south of the rotunda to the south entrance to the State Capitol; and

2501 (D) north of the rotunda to the north wall.

2502 (4) (a) On the third floor of the State Capitol, the entire floor is under the direction and
2503 control of the Legislature, except the areas described in Subsections (6)(a) and (b).

2504 (b) The Supreme Court Chambers will be scheduled by:

2505 (i) the Legislature on a legislative day: and

2506 (ii) the Senate on a day other than a legislative day;

2507 (5) On the fourth floor of the State Capitol, the entire floor is under the direction and
2508 control of the Legislature, except that the following areas are under the direction and control of
2509 the board:

2510 (a) the areas described in Subsections (6)(a) and (b);

2511 (b) the four art galleries outside of the storage rooms described in Subsection (6)(b);

2512 and

2513 (c) the storage room to the north of the northeast art gallery.

2514 (6) In addition to the areas specified under Subsections (1) through (5) as being under
2515 the direction and control of the board, the following areas in the State Capitol are under the
2516 direction and control of the board:

2517 (a) the staircases, elevators, public restrooms and the access areas adjacent to them;

2518 (b) the interior of the pillars that begin in the open area on the first floor and rise to the
2519 fourth floor, including the storage closets;

2520 (c) all areas of the State Capitol above the fourth floor, including the dome and roof;

2521 and

2522 (d) the other areas of the State Capitol not specified under this section as being under
2523 the direction or control of the governor or the Legislature.

2524 Section 37. Section **63O-1-202** is enacted to read:

2525 **63O-1-202. House building -- Direction and control.**

2526 The entire House Building is under the direction and control of the Legislature, which
2527 may assign certain areas to be used by the executive branch.

2528 Section 38. Section **63O-1-203** is enacted to read:

2529 **63O-1-203. Senate building -- Direction and control.**

2530 The entire Senate Building is under the direction and control of the Legislature, which
2531 may assign certain areas to be used by the executive branch.

2532 Section 39. Section **63O-1-204** is enacted to read:

2533 **63O-1-204. North Building -- Direction and control.**

2534 (1) As used in this section, "department" means the Department of Cultural and
2535 Community Engagement, created in Section 9-1-201.

2536 (2) The basement of the North Building is under the direction and control of the board,
2537 the majority of which the board will assign for the use of the state museum.

2538 (3) The first floor of the North Building is under the direction and control of the board,
2539 part of which the board will assign for the use of the state museum.

2540 (4) On the second floor of the North Building:

2541 (a) except as provided under Subsection (4)(b), the entire floor is under the direction
2542 and control of the board, part of which the board will assign for the use of the state museum;
2543 and

2544 (b) the conference room on the south side of the floor, to the west of the lounge, is
2545 under the direction and control of the Legislature.

2546 (5) The entire third floor of the North Building is under the direction and control of the
2547 Legislature.

2548 (6) The entire fourth floor of the North Building is under the direction and control of
2549 the Legislature.

2550 (7) All portions of the North Building above the fourth floor are under the direction
2551 and control of the board.

2552 (8) The entire atrium in the North Building, from the first floor to the ceiling of the
2553 fourth floor, is under the direction and control of the board, including:

2554 (a) the architectural integrity of all areas of the atrium, including:

2555 (i) architectural or design features;

2556 (ii) historic color schemes, decorative finishes, and stenciling;

2557 (iii) decorative light fixtures; and

2558 (iv) flooring; and

2559 (b) the appearance of the atrium, including interior alterations or furnishings that
2560 impact the appearance of the atrium.

2561 (9) All stairs, elevators, and restrooms in the North Building are under the direction
2562 and control of the board.

2563 Section 40. Section **63O-1-205** is enacted to read:

2564 **63O-1-205. Parking.**

2565 (1) All surface parking on capitol hill is under the direction and control of the board.

2566 (2) All underground parking on capitol hill is under the direction and control of the

2567 Legislature.

2568 (3) Under the direction of the Legislature, the board shall:

2569 (a) maintain and control the use of the first level of the covered parking under the plaza
2570 to the north of the North Building, giving a preference for public parking on that level;

2571 (b) except as provided in Subsection (3)(a), maintain and control the use of the covered
2572 parking under the plaza to the north of the North Building for use by the legislative branch; and

2573 (c) designate portions of parking used by the Legislature on legislative days for use by
2574 the executive branch on days other than legislative days.

2575 Section 41. Section **63O-1-206** is enacted to read:

2576 **63O-1-206. Grounds, buildings, and other structures.**

2577 The following are under the direction and control of the board:

2578 (1) the White Memorial Chapel, including the areas and objects described in

2579 Subsection 63O-1-101(4)(b);

2580 (2) the Council Hall Travel Information Center, including the areas and objects
2581 described in Subsection 63O-1-101(4)(c);

2582 (3) the Daughters of the Utah Pioneers Building, including the Carriage House and the
2583 areas and objects described in Subsection 63O-1-101(4)(d);

2584 (4) the Central Plant;

2585 (5) the belvedere to the north of the North Plaza;

2586 (6) the stair towers;

2587 (7) the tunnels; and

2588 (8) except as expressly provided otherwise in this chapter, all grounds, buildings,
2589 structures, monuments, plants, and other natural or man-made features on capitol hill.

2590 Section 42. Section **63O-1-301** is enacted to read:

2591 **63O-1-301. Board responsibility and shared responsibility.**

2592 (1) The following are the responsibility of the board:

2593 (a) the architectural integrity of all areas of capitol hill, including:

- 2594 (i) restored historic architectural or design features;
2595 (ii) historic color schemes, decorative finishes, and stenciling;
2596 (iii) decorative light fixtures; and
2597 (iv) flooring;
2598 (b) the exterior appearance of all buildings and structures on capitol hill, including
2599 interior alterations or furnishings that impact the exterior appearance;
2600 (c) for the State Capitol, House Building, Senate Building, and North Building:
2601 (i) control of the central mechanical and electrical core on all floors; and
2602 (ii) control of the enclosure of the building, from the exterior of the building to the
2603 interior of the exterior wall;
2604 (iii) public restrooms;
2605 (iv) the roof;
2606 (v) public elevators and stairways;
2607 (d) in relation to the legislative area, the functions that the Legislative Management
2608 Committee delegates in writing to be performed by the board; and
2609 (e) in relation to the governor's area, the functions that the governor delegates in
2610 writing to be performed by the board.
2611 (2) The data and communications centers in the buildings and structures on capitol hill:
2612 (a) that are associated with the Legislature are maintained by the board under the
2613 direction of the Legislature;
2614 (b) that are associated with the executive branch are maintained by the board under the
2615 direction of the governor; and
2616 (c) that are associated with both the Legislature and the executive branch are
2617 maintained by the board under the direction of the Legislature and the governor.
2618 (3) The board shall maintain:
2619 (a) all areas under the direction and control of the board;
2620 (b) as directed by the Legislature, all areas under the direction and control of the
2621 Legislature;
2622 (c) as directed by the governor, all areas under the direction and control of the
2623 governor; and
2624 (d) as directed by the state treasurer, state auditor, or attorney general, all areas under

2625 the respective control of those elected officials.

2626 (4) Any alteration that involves interior or exterior construction on capitol hill shall be
2627 done in coordination with the executive director of the board.

2628 Section 43. Section **63O-1-302** is enacted to read:

2629 **63O-1-302. Jurisdiction and use of areas under the direction and control of the**
2630 **Legislature.**

2631 (1) The legislative area is reserved for the use and occupancy of the Legislature for
2632 legislative functions.

2633 (2) Except as provided in Section 63O-1-301, the Legislative Management Committee
2634 shall exercise jurisdiction over the legislative area.

2635 Section 44. Section **63O-1-303** is enacted to read:

2636 **63O-1-303. Jurisdiction and use of areas under the direction and control of the**
2637 **governor.**

2638 (1) The executive area is reserved for the use and occupancy of the executive branch
2639 for executive functions.

2640 (2) Except as provided in Section 63O-1-301, the governor shall exercise jurisdiction
2641 over the governor's area.

2642 Section 45. Section **63O-2-101**, which is renumbered from Section 63C-9-102 is
2643 renumbered and amended to read:

2644 **CHAPTER 2. STATE CAPITOL PRESERVATION BOARD**

2645 **Part 1. General Provisions**

2646 ~~[63C-9-102].~~ **63O-2-101. Definitions.**

2647 ~~[(1) "Board" means the State Capitol Preservation Board created by Section~~
2648 ~~63C-9-201.]~~

2649 ~~[(2) "Capitol hill complex" means the grounds, monuments, parking areas, buildings,~~
2650 ~~including the capitol, and other man-made and natural objects within the area bounded by 300~~
2651 ~~North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:]~~

2652 ~~[(a) the White Community Memorial Chapel and its grounds and parking areas, and the~~
2653 ~~Council Hall Travel Information Center building and its grounds and parking areas;]~~

2654 ~~[(b) the Daughters of the Utah Pioneers building and its grounds and parking areas and~~
2655 ~~other state-owned property included within the area bounded by Columbus Street, North Main~~

2656 Street, and Apricot Avenue;]

2657 [(c) the state-owned property included within the area bounded by Columbus Street,
2658 Wall Street, and 400 North Street; and]

2659 [(d) the state-owned property included within the area bounded by Columbus Street,
2660 West Capitol Street, and 500 North Street.]

2661 [(3) "Capitol hill facilities" means all of the buildings on the capitol hill complex,
2662 including the capitol, and the exterior steps, entrances, streets, parking areas, and other paved
2663 areas of capitol hill.]

2664 [(4) "Capitol hill grounds" means the unpaved areas of the capitol hill complex. (5)
2665 "Executive director"] As used in this chapter, "executive director" means the executive director
2666 appointed by the board under Section [~~63C-9-401~~] 63O-2-401.

2667 Section 46. Section **63O-2-201**, which is renumbered from Section 63C-9-201 is
2668 renumbered and amended to read:

2669 **Part 2. State Capitol Preservation Board - Creation, Membership, and Terms**

2670 [~~63C-9-201~~]. **63O-2-201. State Capitol Preservation Board -- Creation --**

2671 **Membership.**

2672 (1) There is created the State Capitol Preservation Board.

2673 (2) The board shall consist of the following 11 members:

2674 (a) the governor, or the lieutenant governor acting as the governor's designee;

2675 (b) the president of the Senate or the president's designee, who shall be a member of
2676 the Senate;

2677 (c) the speaker of the House of Representatives or the speaker's designee, who shall be
2678 a member of the House of Representatives;

2679 (d) the state treasurer;

2680 (e) the state attorney general;

2681 (f) two members of the Senate appointed by the president of the Senate, one from the
2682 majority party and one from the minority party;

2683 (g) two members of the House of Representatives appointed by the speaker of the
2684 House of Representatives, one from the majority party and one from the minority party;

2685 (h) the chief justice of the Supreme Court or the chief justice's designee, who shall be a
2686 member of the Supreme Court; and

2687 (i) the state historic preservation officer.

2688 Section 47. Section **63O-2-202**, which is renumbered from Section 63C-9-202 is
2689 renumbered and amended to read:

2690 ~~[63C-9-202]~~. **63O-2-202. Terms -- Vacancies -- Chair -- Vice chair --**
2691 **Meetings -- Compensation.**

2692 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state
2693 treasurer, state attorney general, and state historic preservation officer shall serve terms
2694 coterminous with their office.

2695 (b) The other members shall serve two-year terms.

2696 (2) Vacancies in the appointed positions shall be filled by the original appointing
2697 authority for the unexpired term.

2698 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.

2699 (b) When the governor is absent from meetings of the board, the vice chair is chair of
2700 the board.

2701 (c) The governor shall appoint a member of the board to serve as vice chair with the
2702 approval of a majority of the members of the board.

2703 (4) The board shall meet at least quarterly and at other times at the call of the governor
2704 or at the request of four members of the board.

2705 (5) (a) A member who is not a legislator may not receive compensation or benefits for
2706 the member's service, but may receive per diem and travel expenses as allowed in:

2707 (i) Section 63A-3-106;

2708 (ii) Section 63A-3-107; and

2709 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
2710 63A-3-107.

2711 (b) Compensation and expenses of a member who is a legislator are governed by
2712 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

2713 Section 48. Section **63O-2-301**, which is renumbered from Section 63C-9-301 is
2714 renumbered and amended to read:

2715 **Part 3. State Capitol Preservation Board - Powers and Duties**

2716 ~~[63C-9-301]~~. **63O-2-301. Board powers -- Subcommittees.**

2717 (1) The board shall:

2718 (a) except as [~~provided in Subsection (2)~~] otherwise provided in Chapter 1, Control and
2719 Maintenance of Capitol Hill, exercise complete jurisdiction and stewardship over capitol hill
2720 facilities, capitol hill grounds, and the capitol hill complex;

2721 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
2722 capitol hill grounds, and their contents;

2723 (c) before October 1 of each year, review and approve the executive director's annual
2724 budget request for submittal to the governor and Legislature;

2725 (d) [~~by~~] on or before October 1 of each year, prepare and submit a recommended
2726 budget request for the upcoming fiscal year for the capitol hill complex to:

2727 (i) the governor, through the Governor's Office of Planning and Budget; and
2728 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
2729 through the Office of the Legislative Fiscal Analyst;

2730 (e) review and approve the executive director's:

2731 (i) annual work plan;

2732 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
2733 capitol hill grounds; and

2734 (iii) furnishings plan for placement and care of objects under the care of the board;

2735 (f) approve all changes to the buildings and their grounds, including:

2736 (i) restoration, remodeling, and rehabilitation projects;

2737 (ii) usual maintenance program; and
2738 (iii) any transfers or loans of objects under the board's care;

2739 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
2740 facilities, and capitol hill grounds, after consultation with the:

2741 (i) Division of Facilities Construction and Management;

2742 (ii) State Library Division;

2743 (iii) Division of Archives and Records Service;

2744 (iv) Utah Historical Society;

2745 (v) Office of Museum Services; and
2746 (vi) Arts Council;

2747 (h) inventory, define, and identify all significant contents of the buildings and all
2748 state-owned items of historical significance that were at one time in the buildings, after

2749 consultation with the:

2750 (i) Division of Facilities Construction and Management;

2751 (ii) State Library Division;

2752 (iii) Division of Archives and Records Service;

2753 (iv) Utah Historical Society;

2754 (v) Office of Museum Services; and

2755 (vi) Arts Council;

2756 (i) maintain archives relating to the construction and development of the buildings, the
2757 contents of the buildings and their grounds, including documents such as plans, specifications,
2758 photographs, purchase orders, and other related documents, the original copies of which shall
2759 be maintained by the Division of Archives and Records Service;

2760 (j) comply with federal and state laws related to program and facility accessibility; and

2761 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
2762 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
2763 use.

2764 ~~[(2)(a) Notwithstanding Subsection (1)(a), the supervision and control of the~~
2765 ~~legislative area, as defined in Section 36-5-1, is reserved to the Legislature; and]~~

2766 ~~[(b) the supervision and control of the governor's area, as defined in Section 67-1-16, is~~
2767 ~~reserved to the governor.]~~

2768 ~~[(3)]~~ (2) (a) The board shall make rules to govern, administer, and regulate ~~[the capitol~~
2769 ~~hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and~~
2770 ~~requirements of] capitol hill, in accordance with~~ Title 63G, Chapter 3, Utah Administrative
2771 Rulemaking Act.

2772 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the
2773 board under the authority of this Subsection ~~[(3)]~~ (2) is an infraction.

2774 (c) If an act violating a rule under Subsection ~~[(3)(b)]~~ (2)(b) also amounts to an offense
2775 subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title
2776 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection
2777 (3)(b) does not prohibit prosecution and sentencing for the more serious offense.

2778 (d) In addition to any punishment allowed under Subsections ~~[(3)(b) and (c)]~~ (2)(b) and
2779 (c), a person who violates a rule adopted by the board under the authority of this Subsection

2780 [(3)] (2) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of
2781 any actual damages, expenses, and costs related to the violation of the rule that are incurred by
2782 the state.

2783 (e) The board may take any other legal action allowed by law.

2784 (f) The board may not apply this section or rules adopted under the authority of this
2785 section in a manner that violates a person's rights under the Utah Constitution or the First
2786 Amendment to the United States Constitution, including the right of persons to peaceably
2787 assemble.

2788 (g) The board shall send proposed rules under this section to the legislative general
2789 counsel and the governor's general counsel for review and comment before the board adopts the
2790 rules.

2791 [(4)] (3) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
2792 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
2793 of that chapter.

2794 [(5)] (4) The board shall name:

2795 (a) the House Building[~~, that is defined in Section 36-5-1,~~] the "Rebecca D. Lockhart
2796 House Building"; and

2797 (b) committee room 210 in the Senate Building[~~, that is defined in Section 36-5-1,~~] the
2798 "Allyson W. Gamble Committee Room".

2799 [(6)] (5) (a) The board may:

2800 (i) establish subcommittees made up of board members and members of the public to
2801 assist and support the executive director in accomplishing the executive director's duties;

2802 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2803 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
2804 the other agency agrees to perform the duty or accept the responsibility;

2805 (iv) contract with another state agency to provide services;

2806 (v) delegate by specific motion of the board any authority granted to it by this section
2807 to the executive director;

2808 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
2809 property contiguous to East Capitol Boulevard and capitol hill;

2810 (vii) provide wireless Internet service to the public without a fee in any capitol hill

2811 facility; and

2812 (viii) when necessary, consult with the:

2813 (A) Division of Facilities Construction and Management;

2814 (B) State Library Division;

2815 (C) Division of Archives and Records Service;

2816 (D) Utah Historical Society;

2817 (E) Office of Museum Services; and

2818 (F) Arts Council.

2819 (b) The board's provision of wireless Internet service under Subsection [~~(6)(a)(vii)~~]

2820 (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the

2821 speaker of the House of Representatives each submit a signed letter to the board indicating that

2822 the service is disruptive to the legislative process and is to be discontinued.

2823 (c) If a budget subcommittee is established by the board, the following shall serve as ex
2824 officio, nonvoting members of the budget subcommittee:

2825 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office
2826 of the Legislative Fiscal Analyst; and

2827 (ii) the executive director of the Governor's Office of Planning and Budget, or the
2828 executive director's designee, who shall be from the Governor's Office of Planning 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,
2837 appoint up to two people who are not members of the board to serve, at the will of the board, as
2838 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 removal is
2844 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 governor, or the
2853 members of the Legislature except as necessary to inventory or conserve items of historical
2854 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 having an
2857 office in a building on the capitol hill complex.

2858 (d) Except for items identified by the board as having historical significance, and
2859 except as provided in Subsection [~~(7)(b)~~] (6)(b), the board and the employees of the board have
2860 no control over moveable furnishings and equipment in the custody of a state agency, official,
2861 or employee having an office in a building on the capitol hill complex.

2862 Section 49. Section **63O-2-401**, which is renumbered from Section 63C-9-401 is
2863 renumbered and amended to read:

2864 **Part 4. Executive Director**

2865 ~~[63C-9-401]~~. **63O-2-401. Executive director.**

2866 The board shall:

- 2867 (1) appoint an executive director to assist the board in performing [~~its duties under this~~
2868 ~~chapter~~] the duties of the board;
- 2869 (2) (a) require the budget and operations subcommittee to review and make
2870 recommendations to the board regarding:
 - 2871 (i) the executive director's annual performance; and
 - 2872 (ii) the executive director's suggestions for staff, including staff duties, performance,

2873 compensation, and personnel;

2874 (b) approve, deny, or modify the subcommittee's recommendations, which shall be
2875 submitted to the board before the board submits [its] budget recommendations under
2876 Subsections [~~63C-9-301(1)(c) and (d)~~] 63O-2-301(1)(c) and (d); and

2877 (c) make rules governing the review, compensation, and bonus process for the
2878 executive director and staff.

2879 Section 50. Section **63O-2-402**, which is renumbered from Section 63C-9-402 is
2880 renumbered and amended to read:

2881 ~~[63C-9-402]~~. **63O-2-402. Executive director -- Duties.**

2882 The executive director shall:

2883 (1) develop, for board approval, a master plan with a projection of at least 20 years
2884 concerning the stewardship responsibilities, operation, activities, maintenance, preservation,
2885 restoration, and modification of the capitol hill complex, capitol hill facilities, and capitol hill
2886 grounds, including, if directed by the board, a plan to restore the buildings to their original
2887 architecture;

2888 (2) develop, as part of the master plan submitted for board approval, a furnishings plan
2889 for the placement and care of objects under the care of the board;

2890 (3) prepare, and recommend for board approval, an annual budget and work plan, that
2891 is consistent with the master plan, for all work to be performed under this chapter, including
2892 usual operations and maintenance and janitorial and preventative maintenance for the capitol
2893 hill complex, capitol hill facilities, capitol hill grounds, and their contents;

2894 (4) develop an operations, maintenance, and janitorial program for the capitol hill
2895 complex, capitol hill facilities, capitol hill grounds, and their contents;

2896 (5) develop a program to purchase or accept by donation, permanent loan, or outside
2897 funding items necessary to implement the master plan;

2898 (6) develop and maintain a registration system and inventory of the contents of the
2899 capitol hill facilities and capitol hill grounds and of the original documents relating to the
2900 buildings' construction and alteration;

2901 (7) develop a program to purchase or accept by donation, permanent loan, or outside
2902 funding items of historical significance that were at one time in the capitol hill facilities and
2903 that are not owned by the state;

- 2904 (8) develop a program to locate and acquire state-owned items of historical
2905 significance that were at one time in the buildings;
- 2906 (9) develop a collections policy regarding the items of historic significance as
2907 identified in the registration system and inventory for the approval of the board;
- 2908 (10) assist in matters dealing with the preservation of historic materials;
- 2909 (11) make recommendations on conservation needs and make arrangements to contract
2910 for conservation services for objects of significance;
- 2911 (12) make recommendations for the transfer or loan of objects of significance as
2912 detailed in the approved collections policy;
- 2913 (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus
2914 property that is not of significance as defined in the collections policy and by the registration
2915 system;
- 2916 (14) approve all art and exhibits placed on capitol hill after board approval;
- 2917 (15) employ staff to assist him in administering this chapter and direct and coordinate
2918 their activities;
- 2919 (16) contract for professional services of qualified consultants, including architectural
2920 historians, landscape architects with experience in landscape architectural preservation,
2921 conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;
- 2922 (17) prepare annually a complete and detailed written report for the board that accounts
2923 for all funds received and disbursed by the board during the preceding fiscal year;
- 2924 (18) develop and manage a visitor services program for capitol hill which shall include
2925 public outreach programs, public tours, events, and communication and public relation
2926 services; and
- 2927 (19) manage and organize all transit and parking programs on the capitol hill complex,
2928 except that:
- 2929 (a) the Legislative Management Committee shall direct the executive director's
2930 management and organization of transit and parking associated with the legislative area [~~as~~
2931 ~~defined in Section 36-5-1~~]; and
- 2932 (b) the governor shall direct the executive director's management and organization of
2933 transit and parking associated with the [~~governor's area as defined in Section 67-1-16~~]
2934 governor's area.

2935 Section 51. Section **63O-2-403**, which is renumbered from Section 63C-9-403 is
2936 renumbered and amended to read:

2937 ~~[63C-9-403]~~. **63O-2-403. Contracting power of executive director --**
2938 **Health insurance coverage.**

2939 (1) As used in this section:

2940 (a) "Aggregate" means the sum of all contracts, change orders, and modifications
2941 related to a single project.

2942 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

2943 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
2944 "operative" who:

2945 (i) works at least 30 hours per calendar week; and

2946 (ii) meets employer eligibility waiting requirements for health care insurance, which
2947 may not exceed the first of the calendar month following 60 days after the day on which the
2948 individual is hired.

2949 (d) "Health benefit plan" means:

2950 (i) the same as that term is defined in Section 31A-1-301; or

2951 (ii) an employee welfare benefit plan:

2952 (A) established under the Employee Retirement Income Security Act of 1974, 29
2953 U.S.C. Sec. 1001 et seq.;

2954 (B) for an employer with 100 or more employees; and

2955 (C) in which the employer establishes a self-funded or partially self-funded group
2956 health plan to provide medical care for the employer's employees and dependents of the
2957 employees.

2958 (e) "Qualified health coverage" means the same as that term is defined in Section
2959 26B-3-909.

2960 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

2961 (g) "Third party administrator" or "administrator" means the same as that term is
2962 defined in Section 31A-1-301.

2963 (2) Except as provided in Subsection (3), the requirements of this section apply to:

2964 (a) a contractor of a design or construction contract entered into by the board, or on
2965 behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate amount

2966 equal to or greater than \$2,000,000; and

2967 (b) a subcontractor of a contractor of a design or construction contract entered into by
2968 the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in an
2969 aggregate amount equal to or greater than \$1,000,000.

2970 (3) The requirements of this section do not apply to a contractor or subcontractor
2971 described in Subsection (2) if:

2972 (a) the application of this section jeopardizes the receipt of federal funds;

2973 (b) the contract is a sole source contract; or

2974 (c) the contract is an emergency procurement.

2975 (4) A person that intentionally uses change orders, contract modifications, or multiple
2976 contracts to circumvent the requirements of this section is guilty of an infraction.

2977 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
2978 executive director that the contractor has and will maintain an offer of qualified health
2979 coverage for the contractor's employees and the employees' dependents during the duration of
2980 the contract by submitting to the executive director a written statement that:

2981 (i) the contractor offers qualified health coverage that complies with Section
2982 26B-3-909;

2983 (ii) is from:

2984 (A) an actuary selected by the contractor or the contractor's insurer;

2985 (B) an underwriter who is responsible for developing the employer group's premium
2986 rates; or

2987 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
2988 an actuary or underwriter selected by a third party administrator; and

2989 (iii) was created within one year before the day on which the statement is submitted.

2990 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
2991 shall provide the actuary or underwriter selected by the administrator, as described in
2992 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
2993 contribution to the health benefit plan and the health benefit plan's actuarial value meets the
2994 requirements of qualified health coverage.

2995 (ii) A contractor may not make a change to the contractor's contribution to the health
2996 benefit plan, unless the contractor provides notice to:

2997 (A) the actuary or underwriter selected by the administrator, as described in Subsection
2998 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
2999 Subsection (5)(a) in compliance with this section; and

3000 (B) the executive director.

3001 (c) A contractor that is subject to the requirements of this section shall:

3002 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that
3003 is subject to the requirements of this section shall obtain and maintain an offer of qualified
3004 health coverage for the subcontractor's employees and the employees' dependents during the
3005 duration of the subcontract; and

3006 (ii) obtain from a subcontractor that is subject to the requirements of this section a
3007 written statement that:

3008 (A) the subcontractor offers qualified health coverage that complies with Section
3009 26B-3-909;

3010 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an
3011 underwriter who is responsible for developing the employer group's premium rates, or if the
3012 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or
3013 underwriter selected by an administrator; and

3014 (C) was created within one year before the day on which the contractor obtains the
3015 statement.

3016 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage as
3017 described in Subsection (5)(a) during the duration of the contract is subject to penalties in
3018 accordance with administrative rules adopted by the division under Subsection (6).

3019 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain
3020 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3021 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health
3022 coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to
3023 penalties in accordance with administrative rules adopted by the department under Subsection
3024 (6).

3025 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain
3026 an offer of qualified health coverage described in Subsection (5)(a).

3027 (6) The department shall adopt administrative rules:

3028 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
3029 (b) in coordination with:
3030 (i) the Department of Environmental Quality in accordance with Section 19-1-206;
3031 (ii) the Department of Natural Resources in accordance with Section 79-2-404;
3032 (iii) the Division of Facilities Construction and Management in accordance with
3033 Section 63A-5b-607;
3034 (iv) a public transit district in accordance with Section 17B-2a-818.5;
3035 (v) the Department of Transportation in accordance with Section 72-6-107.5; and
3036 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;
3037 and
3038 (c) that establish:
3039 (i) the requirements and procedures a contractor and a subcontractor shall follow to
3040 demonstrate compliance with this section, including:
3041 (A) that a contractor or subcontractor's compliance with this section is subject to an
3042 audit by the department or the Office of the Legislative Auditor General;
3043 (B) that a contractor that is subject to the requirements of this section shall obtain a
3044 written statement described in Subsection (5)(a); and
3045 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
3046 written statement described in Subsection (5)(c)(ii);
3047 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
3048 violates the provisions of this section, which may include:
3049 (A) a three-month suspension of the contractor or subcontractor from entering into
3050 future contracts with the state upon the first violation;
3051 (B) a six-month suspension of the contractor or subcontractor from entering into future
3052 contracts with the state upon the second violation;
3053 (C) an action for debarment of the contractor or subcontractor in accordance with
3054 Section 63G-6a-904 upon the third or subsequent violation; and
3055 (D) monetary penalties which may not exceed 50% of the amount necessary to
3056 purchase qualified health coverage for employees and dependents of employees of the
3057 contractor or subcontractor who were not offered qualified health coverage during the duration
3058 of the contract; and

3059 (iii) a website on which the department shall post the commercially equivalent
3060 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by
3061 the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

3062 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor
3063 or subcontractor who intentionally violates the provisions of this section is liable to the
3064 employee for health care costs that would have been covered by qualified health coverage.

3065 (ii) An employer has an affirmative defense to a cause of action under Subsection
3066 (7)(a)(i) if:

3067 (A) the employer relied in good faith on a written statement described in Subsection
3068 (5)(a) or (5)(c)(ii); or

3069 (B) the department determines that compliance with this section is not required under
3070 the provisions of Subsection (3).

3071 (b) An employee has a private right of action only against the employee's employer to
3072 enforce the provisions of this Subsection (7).

3073 (8) Any penalties imposed and collected under this section shall be deposited into the
3074 Medicaid Restricted Account created in Section 26B-1-309.

3075 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
3076 required by this section:

3077 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
3078 or contractor under:

3079 (i) Section 63G-6a-1602; or

3080 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3081 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
3082 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
3083 or construction.

3084 (10) An administrator, including the administrator's actuary or underwriter, who
3085 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
3086 coverage of a contractor or subcontractor who provides a health benefit plan described in
3087 Subsection (1)(d)(ii):

3088 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,
3089 unless the administrator commits gross negligence in preparing the written statement;

3090 (b) is not liable for any error in the written statement if the administrator relied in good
3091 faith on information from the contractor or subcontractor; and

3092 (c) may require as a condition of providing the written statement that a contractor or
3093 subcontractor hold the administrator harmless for an action arising under this section.

3094 Section 52. Section **63O-2-501**, which is renumbered from Section 63C-9-501 is
3095 renumbered and amended to read:

3096 **Part 5. Fundraising and Donations**

3097 ~~[63C-9-501]~~. **63O-2-501. Soliciting donations.**

3098 (1) The executive director, under the direction of the board, shall:

3099 (a) develop plans and programs to solicit gifts, money, and items of value from private
3100 persons, foundations, or organizations; and

3101 (b) actively solicit donations from those persons and entities.

3102 (2) (a) Property provided by those entities is the property of the state and is under the
3103 control of the board.

3104 (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property
3105 of persons having an office in a building on capitol hill.

3106 (3) The board:

3107 (a) shall deposit money donated to the board into the State Capitol Preservation Board
3108 budget as expendable receipts;

3109 (b) shall use gifts of money made to the board for the purpose specified by the grantor,
3110 if any; and

3111 (c) may return to the donor any gift or money donated to the board if a majority of the
3112 board determines that use of the gift or money is unfeasible, or will otherwise not be placed or
3113 used on capitol hill.

3114 Section 53. Section **63O-2-601**, which is renumbered from Section 63C-9-601 is
3115 renumbered and amended to read:

3116 **Part 6. Furnishings, Fixtures, and Other Items**

3117 ~~[63C-9-601]~~. **63O-2-601. Responsibility for items.**

3118 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board
3119 has responsibility under this chapter are not subject to the custody or control of the State
3120 Library Board, the State Library Division, the Division of Archives and Records Service, the

3121 Utah Historical Society, the Division of Arts and Museums, the arts collection committee of
3122 the State of Utah Alice Merrill Horne Art Collection, or any other state agency.

3123 Section 54. Section **63O-2-602**, which is renumbered from Section 63C-9-602 is
3124 renumbered and amended to read:

3125 ~~[63C-9-602]~~. **63O-2-602. Transfer of certain historical items.**

3126 (1) (a) A state agency or other state entity that possesses a state-owned item identified
3127 by the executive director and the board as an item of historical significance that was at one time
3128 located in the capitol hill facilities shall transfer the item to the inventory of the board at the
3129 direction of the executive director not later than the 60th day after the date that the executive
3130 director notifies the agency or entity.

3131 (b) The state agency or other state entity shall subsequently transfer physical
3132 possession of the item to the board in accordance with policies and procedures established by
3133 the board.

3134 (2) This section does not apply to records or documents in the custody of the Division
3135 of Archives and Records Service.

3136 Section 55. Section **72-6-107.5** is amended to read:

3137 **72-6-107.5. Construction of improvements of highway -- Contracts -- Health**
3138 **insurance coverage.**

3139 (1) As used in this section:

3140 (a) "Aggregate" means the sum of all contracts, change orders, and modifications
3141 related to a single project.

3142 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3143 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
3144 "operative" who:

3145 (i) works at least 30 hours per calendar week; and

3146 (ii) meets employer eligibility waiting requirements for health care insurance, which
3147 may not exceed the first day of the calendar month following 60 days after the day on which
3148 the individual is hired.

3149 (d) "Health benefit plan" means:

3150 (i) the same as that term is defined in Section 31A-1-301; or

3151 (ii) an employee welfare benefit plan:

3152 (A) established under the Employee Retirement Income Security Act of 1974, 29
3153 U.S.C. Sec. 1001 et seq.;

3154 (B) for an employer with 100 or more employees; and

3155 (C) in which the employer establishes a self-funded or partially self-funded group
3156 health plan to provide medical care for the employer's employees and dependents of the
3157 employees.

3158 (e) "Qualified health coverage" means the same as that term is defined in Section
3159 26B-3-909.

3160 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

3161 (g) "Third party administrator" or "administrator" means the same as that term is
3162 defined in Section 31A-1-301.

3163 (2) Except as provided in Subsection (3), the requirements of this section apply to:

3164 (a) a contractor of a design or construction contract entered into by the department on
3165 or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than
3166 \$2,000,000; and

3167 (b) a subcontractor of a contractor of a design or construction contract entered into by
3168 the department on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or
3169 greater than \$1,000,000.

3170 (3) The requirements of this section do not apply to a contractor or subcontractor
3171 described in Subsection (2) if:

3172 (a) the application of this section jeopardizes the receipt of federal funds;

3173 (b) the contract is a sole source contract; or

3174 (c) the contract is an emergency procurement.

3175 (4) A person that intentionally uses change orders, contract modifications, or multiple
3176 contracts to circumvent the requirements of this section is guilty of an infraction.

3177 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
3178 department that the contractor has and will maintain an offer of qualified health coverage for
3179 the contractor's employees and the employees' dependents during the duration of the contract
3180 by submitting to the department a written statement that:

3181 (i) the contractor offers qualified health coverage that complies with Section
3182 26B-3-909;

3183 (ii) is from:
3184 (A) an actuary selected by the contractor or the contractor's insurer;
3185 (B) an underwriter who is responsible for developing the employer group's premium
3186 rates; or
3187 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
3188 an actuary or underwriter selected by a third party administrator; and
3189 (iii) was created within one year before the day on which the statement is submitted.
3190 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
3191 shall provide the actuary or underwriter selected by an administrator, as described in
3192 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
3193 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
3194 requirements of qualified health coverage.
3195 (ii) A contractor may not make a change to the contractor's contribution to the health
3196 benefit plan, unless the contractor provides notice to:
3197 (A) the actuary or underwriter selected by an administrator, as described in Subsection
3198 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
3199 Subsection (5)(a) in compliance with this section; and
3200 (B) the department.
3201 (c) A contractor that is subject to the requirements of this section shall:
3202 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that
3203 is subject to the requirements of this section shall obtain and maintain an offer of qualified
3204 health coverage for the subcontractor's employees and the employees' dependents during the
3205 duration of the subcontract; and
3206 (ii) obtain from a subcontractor that is subject to the requirements of this section a
3207 written statement that:
3208 (A) the subcontractor offers qualified health coverage that complies with Section
3209 26B-3-909;
3210 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an
3211 underwriter who is responsible for developing the employer group's premium rates, or if the
3212 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or
3213 underwriter selected by an administrator; and

3214 (C) was created within one year before the day on which the contractor obtains the
3215 statement.

3216 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
3217 described in Subsection (5)(a) during the duration of the contract is subject to penalties in
3218 accordance with administrative rules adopted by the department under Subsection (6).

3219 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain
3220 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3221 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health
3222 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to
3223 penalties in accordance with administrative rules adopted by the department under Subsection
3224 (6).

3225 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain
3226 an offer of qualified health coverage described in Subsection (5)(a).

3227 (6) The department shall adopt administrative rules:

3228 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3229 (b) in coordination with:

3230 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

3231 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

3232 (iii) the Division of Facilities Construction and Management in accordance with
3233 Section 63A-5b-607;

3234 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~]
3235 63O-2-403;

3236 (v) a public transit district in accordance with Section 17B-2a-818.5; and

3237 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

3238 and

3239 (c) that establish:

3240 (i) the requirements and procedures a contractor and a subcontractor shall follow to
3241 demonstrate compliance with this section, including:

3242 (A) that a contractor or subcontractor's compliance with this section is subject to an
3243 audit by the department or the Office of the Legislative Auditor General;

3244 (B) that a contractor that is subject to the requirements of this section shall obtain a

3245 written statement described in Subsection (5)(a); and

3246 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
3247 written statement described in Subsection (5)(c)(ii);

3248 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
3249 violates the provisions of this section, which may include:

3250 (A) a three-month suspension of the contractor or subcontractor from entering into
3251 future contracts with the state upon the first violation;

3252 (B) a six-month suspension of the contractor or subcontractor from entering into future
3253 contracts with the state upon the second violation;

3254 (C) an action for debarment of the contractor or subcontractor in accordance with
3255 Section 63G-6a-904 upon the third or subsequent violation; and

3256 (D) monetary penalties which may not exceed 50% of the amount necessary to
3257 purchase qualified health coverage for an employee and a dependent of the employee of the
3258 contractor or subcontractor who was not offered qualified health coverage during the duration
3259 of the contract; and

3260 (iii) a website on which the department shall post the commercially equivalent
3261 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by
3262 the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

3263 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor
3264 or subcontractor who intentionally violates the provisions of this section is liable to the
3265 employee for health care costs that would have been covered by qualified health coverage.

3266 (ii) An employer has an affirmative defense to a cause of action under Subsection
3267 (7)(a)(i) if:

3268 (A) the employer relied in good faith on a written statement described in Subsection
3269 (5)(a) or (5)(c)(ii); or

3270 (B) the department determines that compliance with this section is not required under
3271 the provisions of Subsection (3).

3272 (b) An employee has a private right of action only against the employee's employer to
3273 enforce the provisions of this Subsection (7).

3274 (8) Any penalties imposed and collected under this section shall be deposited into the
3275 Medicaid Restricted Account created in Section 26B-1-309.

3276 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
3277 required by this section:

3278 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
3279 or contractor under:

3280 (i) Section 63G-6a-1602; or

3281 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3282 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
3283 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
3284 or construction.

3285 (10) An administrator, including an administrator's actuary or underwriter, who
3286 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
3287 coverage of a contractor or subcontractor who provides a health benefit plan described in
3288 Subsection (1)(d)(ii):

3289 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,
3290 unless the administrator commits gross negligence in preparing the written statement;

3291 (b) is not liable for any error in the written statement if the administrator relied in good
3292 faith on information from the contractor or subcontractor; and

3293 (c) may require as a condition of providing the written statement that a contractor or
3294 subcontractor hold the administrator harmless for an action arising under this section.

3295 Section 56. Section **79-2-404** is amended to read:

3296 **79-2-404. Contracting powers of department -- Health insurance coverage.**

3297 (1) As used in this section:

3298 (a) "Aggregate" means the sum of all contracts, change orders, and modifications
3299 related to a single project.

3300 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3301 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
3302 "operative" who:

3303 (i) works at least 30 hours per calendar week; and

3304 (ii) meets employer eligibility waiting requirements for health care insurance, which
3305 may not exceed the first day of the calendar month following 60 days after the day on which
3306 the individual is hired.

- 3307 (d) "Health benefit plan" means:
- 3308 (i) the same as that term is defined in Section 31A-1-301; or
- 3309 (ii) an employee welfare benefit plan:
- 3310 (A) established under the Employee Retirement Income Security Act of 1974, 29
- 3311 U.S.C. Sec. 1001 et seq.;
- 3312 (B) for an employer with 100 or more employees; and
- 3313 (C) in which the employer establishes a self-funded or partially self-funded group
- 3314 health plan to provide medical care for the employer's employees and dependents of the
- 3315 employees.
- 3316 (e) "Qualified health coverage" means the same as that term is defined in Section
- 3317 26B-3-909.
- 3318 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
- 3319 (g) "Third party administrator" or "administrator" means the same as that term is
- 3320 defined in Section 31A-1-301.
- 3321 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 3322 (a) a contractor of a design or construction contract entered into by, or delegated to, the
- 3323 department or a division, board, or council of the department on or after July 1, 2009, if the
- 3324 prime contract is in an aggregate amount equal to or greater than \$2,000,000; and
- 3325 (b) a subcontractor of a contractor of a design or construction contract entered into by,
- 3326 or delegated to, the department or a division, board, or council of the department on or after
- 3327 July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.
- 3328 (3) This section does not apply to contracts entered into by the department or a
- 3329 division, board, or council of the department if:
- 3330 (a) the application of this section jeopardizes the receipt of federal funds;
- 3331 (b) the contract or agreement is between:
- 3332 (i) the department or a division, board, or council of the department; and
- 3333 (ii) (A) another agency of the state;
- 3334 (B) the federal government;
- 3335 (C) another state;
- 3336 (D) an interstate agency;
- 3337 (E) a political subdivision of this state; or

3338 (F) a political subdivision of another state; or
3339 (c) the contract or agreement is:
3340 (i) for the purpose of disbursing grants or loans authorized by statute;
3341 (ii) a sole source contract; or
3342 (iii) an emergency procurement.
3343 (4) A person that intentionally uses change orders, contract modifications, or multiple
3344 contracts to circumvent the requirements of this section is guilty of an infraction.
3345 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
3346 department that the contractor has and will maintain an offer of qualified health coverage for
3347 the contractor's employees and the employees' dependents during the duration of the contract
3348 by submitting to the department a written statement that:
3349 (i) the contractor offers qualified health coverage that complies with Section
3350 26B-3-909;
3351 (ii) is from:
3352 (A) an actuary selected by the contractor or the contractor's insurer;
3353 (B) an underwriter who is responsible for developing the employer group's premium
3354 rates; or
3355 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
3356 an actuary or underwriter selected by a third party administrator; and
3357 (iii) was created within one year before the day on which the statement is submitted.
3358 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
3359 shall provide the actuary or underwriter selected by an administrator, as described in
3360 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
3361 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
3362 requirements of qualified health coverage.
3363 (ii) A contractor may not make a change to the contractor's contribution to the health
3364 benefit plan, unless the contractor provides notice to:
3365 (A) the actuary or underwriter selected by an administrator, as described in Subsection
3366 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
3367 Subsection (5)(a) in compliance with this section; and
3368 (B) the department.

3369 (c) A contractor that is subject to the requirements of this section shall:

3370 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that
3371 is subject to the requirements of this section shall obtain and maintain an offer of qualified
3372 health coverage for the subcontractor's employees and the employees' dependents during the
3373 duration of the subcontract; and

3374 (ii) obtain from a subcontractor that is subject to the requirements of this section a
3375 written statement that:

3376 (A) the subcontractor offers qualified health coverage that complies with Section
3377 26B-3-909;

3378 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an
3379 underwriter who is responsible for developing the employer group's premium rates, or if the
3380 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or
3381 underwriter selected by an administrator; and

3382 (C) was created within one year before the day on which the contractor obtains the
3383 statement.

3384 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
3385 described in Subsection (5)(a) during the duration of the contract is subject to penalties in
3386 accordance with administrative rules adopted by the department under Subsection (6).

3387 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain
3388 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3389 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health
3390 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to
3391 penalties in accordance with administrative rules adopted by the department under Subsection
3392 (6).

3393 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain
3394 an offer of qualified health coverage described in Subsection (5)(a).

3395 (6) The department shall adopt administrative rules:

3396 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3397 (b) in coordination with:

3398 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

3399 (ii) a public transit district in accordance with Section 17B-2a-818.5;

3400 (iii) the Division of Facilities Construction and Management in accordance with
3401 Section 63A-5b-607;

3402 (iv) the State Capitol Preservation Board in accordance with Section [~~63C-9-403~~
3403 63O-2-403;

3404 (v) the Department of Transportation in accordance with Section 72-6-107.5; and
3405 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;
3406 and

3407 (c) that establish:

3408 (i) the requirements and procedures a contractor and a subcontractor shall follow to
3409 demonstrate compliance with this section, including:

3410 (A) that a contractor or subcontractor's compliance with this section is subject to an
3411 audit by the department or the Office of the Legislative Auditor General;

3412 (B) that a contractor that is subject to the requirements of this section shall obtain a
3413 written statement described in Subsection (5)(a); and

3414 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
3415 written statement described in Subsection (5)(c)(ii);

3416 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
3417 violates the provisions of this section, which may include:

3418 (A) a three-month suspension of the contractor or subcontractor from entering into
3419 future contracts with the state upon the first violation;

3420 (B) a six-month suspension of the contractor or subcontractor from entering into future
3421 contracts with the state upon the second violation;

3422 (C) an action for debarment of the contractor or subcontractor in accordance with
3423 Section 63G-6a-904 upon the third or subsequent violation; and

3424 (D) monetary penalties which may not exceed 50% of the amount necessary to
3425 purchase qualified health coverage for an employee and a dependent of an employee of the
3426 contractor or subcontractor who was not offered qualified health coverage during the duration
3427 of the contract; and

3428 (iii) a website on which the department shall post the commercially equivalent
3429 benchmark, for the qualified health coverage identified in Subsection (1)(e), provided by the
3430 Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).

3431 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor
3432 or subcontractor who intentionally violates the provisions of this section is liable to the
3433 employee for health care costs that would have been covered by qualified health coverage.

3434 (ii) An employer has an affirmative defense to a cause of action under Subsection
3435 (7)(a)(i) if:

3436 (A) the employer relied in good faith on a written statement described in Subsection
3437 (5)(a) or (5)(c)(ii); or

3438 (B) the department determines that compliance with this section is not required under
3439 the provisions of Subsection (3).

3440 (b) An employee has a private right of action only against the employee's employer to
3441 enforce the provisions of this Subsection (7).

3442 (8) Any penalties imposed and collected under this section shall be deposited into the
3443 Medicaid Restricted Account created in Section 26B-1-309.

3444 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
3445 required by this section:

3446 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
3447 or contractor under:

3448 (i) Section 63G-6a-1602; or

3449 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3450 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
3451 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
3452 or construction.

3453 (10) An administrator, including an administrator's actuary or underwriter, who
3454 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
3455 coverage of a contractor or subcontractor who provides a health benefit plan described in
3456 Subsection (1)(d)(ii):

3457 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,
3458 unless the administrator commits gross negligence in preparing the written statement;

3459 (b) is not liable for any error in the written statement if the administrator relied in good
3460 faith on information from the contractor or subcontractor; and

3461 (c) may require as a condition of providing the written statement that a contractor or

3462 subcontractor hold the administrator harmless for an action arising under this section.

3463 Section 57. **Repealer.**

3464 This bill repeals:

3465 Section **36-2-1, Legislative in-session employees.**

3466 Section **36-5-1, Reservation of area for Legislature -- Duties of Legislative**

3467 **Management Committee.**

3468 Section **36-12-2, Standing committees.**

3469 Section **36-12-3, Interim committees -- Membership -- Purpose -- Meetings and**

3470 **rules.**

3471 Section **36-12-4, Interim committees of two houses -- Meeting jointly -- Joint rules**

3472 **-- Majority vote.**

3473 Section **36-12-5, Duties of interim committees.**

3474 Section **36-21-1, Definition -- Deadline for state governmental entities filing**

3475 **legislation -- Waiver.**

3476 Section **36-34-101, Statewide elected official summit.**

3477 Section **63C-9-101, Title.**

3478 Section **67-1-16, Reservation of area for governor.**

3479 Section 58. **Effective date.**

3480 This bill takes effect on May 1, 2024 with the exceptions of 63A-5b-303 and

3481 63J-1-602.2 which take effect on July 1, 2024.