

Representative James A. Dunnigan proposes the following substitute bill:

OPERATIONS OF STATE GOVERNMENT

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies and repeals provisions related to government operations.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 ENACTS:

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

80 RENUMBERS AND AMENDS:

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

88 Chapter 160)

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

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

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

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

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

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

101 REPEALS:

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

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

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

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

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

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

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

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

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

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

112

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

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

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

117 (1) As used in this section:

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

119 related to a single project.

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

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

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

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

127 (d) "Health benefit plan" means:

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

129 (ii) an employee welfare benefit plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

206 (a) in coordination with:

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

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

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

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

212 [63O-2-403](#); and

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

214 (b) that establish:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

272 (1) As used in this section:

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

274 related to a single project.

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

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

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

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

282 (d) "Health benefit plan" means:

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

284 (ii) an employee welfare benefit plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

345 (B) the department.

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

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

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

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

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

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

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

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

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

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

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

372 (6) The department shall adopt administrative rules:

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

374 (b) in coordination with:

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

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

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

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

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

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

383 and

384 (c) that establish:

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

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

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

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

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

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

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

398 contracts with the state upon the second violation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

429 or construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

514 (2) The local health department shall:

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

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

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

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

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

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

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

535 (iv) is reviewed and updated annually.

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

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

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

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

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

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

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

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

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

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

564 (b) The local health department:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

615 than 30 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

673 (12) A local health department may not:

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

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

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

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

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

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

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

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

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

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

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

694 (iii) any penalties imposed and collected under:

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

696 (B) Section 19-1-206;

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

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

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

700 (F) Section 79-2-404.

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

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

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

708 following funds are nonlapsing:

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

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

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

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

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

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

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

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

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

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

729 (i) has a deductible that is:

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

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

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

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

741 (2) The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

762 (e) the capitol hill complex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

835 (3) The Legislature shall:

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

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

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

839 (ii) a mileage allowance; and

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

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

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

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

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

849 As used in this chapter:

850 (1) "Aggregate daily expenditures" means:

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

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

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

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

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

862 and

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

894 in the ordinary course of business:

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

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

897 (7) "Education action" means:

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

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

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

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

904 (e) a purchasing or contracting decision;

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

906 (g) determining a rate or fee; or

907 (h) making an adjudicative decision.

908 (8) "Education official" means:

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

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

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

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

914 (iii) determines rates or fees;

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

917 (v) makes adjudicative decisions; or

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

919 (9) "Event" means entertainment, a performance, a contest, or a recreational activity

920 that an individual participates in or is a spectator at, including a sporting event, an artistic
921 event, a play, a movie, dancing, or singing.

922 (10) "Executive action" means:

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

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

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

926 (c) agency ratemaking proceedings; or

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

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

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

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

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

934 (iv) services or goods;

935 (v) money;

936 (vi) real property;

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

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

940 (b) "Expenditure" does not mean:

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

942 (ii) a campaign contribution:

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

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

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

950 (iv) a devise or inheritance;

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

952 (A) given by a relative;

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

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

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

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

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

962 (A) all members of the Legislature;

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

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

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

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

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

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

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

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

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

975 (A) is presented in public; and

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

979 (ix) a gift that:

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

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

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

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

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

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

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

991 (A) a publication; or

992 (B) a commemorative item;

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

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

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

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

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

1003 (xiii) sponsorship of an approved activity;

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

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

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

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

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

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

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

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

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

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

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

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

1029 (a) the United States;

1030 (b) a state within the United States;

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

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

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

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

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

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

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

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

1045 (16) "Immediate family" means:

1046 (a) a spouse;

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

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

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

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

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

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

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

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

1093 (21) "Local action" means:

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

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

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

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

1099 (e) a purchasing or contracting decision;

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

1101 (g) determining a rate or fee; or

1102 (h) making an adjudicative decision.

1103 (22) "Local government" means:

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

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

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

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

- 1111 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 1112 (f) a redevelopment agency; or
- 1113 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
- 1114 13, Interlocal Cooperation Act.

1115 (23) "Local official" means:

- 1116 (a) an elected member of a local government;
- 1117 (b) an individual appointed to or employed in a position in a local government if that
- 1118 individual:

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

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

1121 (iii) determines rates or fees; or

1122 (iv) makes adjudicative decisions; or

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

1124 (b).

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

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

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

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

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

1130 those clients.

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

1132 as an employee or as an independent contractor.

1133 (27) "Public official" means:

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

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

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

1137 branch of state government if that individual:

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

1139 (B) drafts legislation or makes rules;

1140 (C) determines rates or fees; or

1141 (D) makes adjudicative decisions;

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

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

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

1175 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

1213 (b) The committee shall consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1257 [~~(a) employ~~]

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

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

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

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

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

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

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

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

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

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

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

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

1299 (i) the constitutionality of a state statute;

1300 (ii) the validity of legislation; or

1301 (iii) any action of the Legislature.

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

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

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

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

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

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

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

1318 (a) the Research and General Counsel Subcommittee;

1319 (b) the Budget Subcommittee; and

1320 (c) the Audit Subcommittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

1345 (B) prioritize those requests;

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

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

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

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

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

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

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

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

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

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

1366 (a) from the Senate:

1367 (i) the president;

1368 (ii) the majority leader;

1369 (iii) the minority leader; and

1370 (iv) the minority whip;

1371 (b) from the House of Representatives:

1372 (i) the speaker;

1373 (ii) the majority leader;

1374 (iii) the minority leader; and

1375 (iv) the minority whip.

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

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

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

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

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

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

1382 the legislative auditor general.]

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

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

1385 reviews; and]

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

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

1388 Office of the Legislative Auditor General.]

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

1390 duties.]

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

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

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

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

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

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

1401 (a) provides a person with a weapon;

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

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

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

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

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

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

1412 (f) harbors or conceals a person;

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

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

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

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

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

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

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

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

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

1431 chamber or any committee thereof, may:

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

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

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

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

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

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

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

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

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

1486 (1) As used in this section:

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

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

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

1499 (a) the state auditor;

1500 (b) the state treasurer;

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

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

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

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

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

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

1507 [63L-11-201](#);

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

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

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

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

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

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

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

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

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

1520 (1) As used in this title:

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

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

1523 (b) "Commissioner" means the commissioner of public safety appointed under Section

1524 [53-1-107](#).

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

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

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

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

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

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

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

1536 (f) "Law enforcement officer" means the same as that term is defined in Section

1537 [53-13-103](#).

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

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

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

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

1545 Section [53B-3-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1586 (d) in cooperation with federal, state, and local agencies, enforce and assist in the

1587 enforcement of all state and federal laws related to the operation of a motor carrier on a

1588 highway, including all state and federal rules and regulations;

1589 (e) inspect certain vehicles to determine road worthiness and safe condition as

1590 provided in Section ~~41-6a-1630~~;

1591 (f) upon request, assist with any condition of unrest existing or developing on a campus

1592 or related facility of an institution of higher education;

1593 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the

1594 state liquor laws;

1595 (h) provide security and protection for both houses of the Legislature while in session

1596 as the speaker of the House of Representatives and the president of the Senate find necessary;

1597 (i) enforce the state laws and rules governing use of [the] capitol hill [~~complex as~~

1598 ~~defined in Section 63C-9-102~~]; and

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

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

1601 the state;

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

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

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

1605 (i) evaluate the inventory of new and existing state highways, in coordination with

1606 relevant local law enforcement agencies, to determine which law enforcement agency is best

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

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

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

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

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

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

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

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

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

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

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

1630 (i) business;

1631 (ii) finance;

1632 (iii) economics;

1633 (iv) natural resources; or

1634 (v) advocacy.

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

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

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

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

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

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

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

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

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

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

1652 (5)(a);

1653 (c) actively seek necessary and accurate information;

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

1655 (i) generating trust revenue;

1656 (ii) protecting trust assets; or

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

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

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

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

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

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

1665 (i) the advocacy committee;

1666 (ii) the state treasurer;

1667 (iii) the State Board of Education; and

1668 (iv) the Executive Appropriations Committee;

- 1669 (i) annually send a financial report regarding the relevant individual trust, and, upon
1670 request, report in person to:
- 1671 (i) Utah State University, on behalf of the agricultural college trust;
1672 (ii) the University of Utah;
1673 (iii) the Utah State Hospital, on behalf of the mental hospital trust;
1674 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the institution for the
1675 blind trust and the deaf and dumb asylum trust;
- 1676 (v) the youth in custody program at the State Board of Education, on behalf of the
1677 reform school trust;
- 1678 (vi) the Division of Water Resources, created in Section [73-10-18](#), on behalf of the
1679 reservoir trust;
- 1680 (vii) the College of Mines and Earth Sciences created in Section [53B-17-401](#);
1681 (viii) each state teachers' college, based on the college's annual number of teacher
1682 graduates, on behalf of the normal school trust;
- 1683 (ix) the Miners' Hospital described in Section [53B-17-201](#); and
1684 (x) the State Capitol Preservation Board, created in Section [~~63C-9-201~~] [63O-2-201](#),
1685 on behalf of the public buildings trust;
- 1686 (j) as requested by the state treasurer, draft proposed rules and submit the proposed
1687 rules to the advocacy committee for review;
- 1688 (k) in accordance with state and federal law, respond to external requests for
1689 information about the School and Institutional Trust Lands System;
- 1690 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:
1691 (i) at School and Institutional Trust Lands Administration meetings;
1692 (ii) at School and Institutional Trust Fund Office meetings; and
1693 (iii) with the media;
- 1694 (m) review proposed legislation that affects the school and institutional trust and trust
1695 beneficiaries and advocate for legislative change that best serves the interests of the trust
1696 beneficiaries; and
- 1697 (n) educate the public regarding the School and Institutional Trust Lands System.
- 1698 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
1699 director may have access to the financial reports and other data required for a review.

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

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

1702 As used in this chapter:

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

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

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

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

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

1712 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

- 1731 (1) (a) The division shall:
- 1732 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in
1733 accordance with legislative directive through annual appropriations acts, other legislation, or
1734 statute, to agencies in all buildings or space owned, leased, or rented by or to the state, except
1735 as provided in Subsection (3) or as otherwise provided by statute;
- 1736 (ii) assure the efficient use of all building space under the division's supervision and
1737 control;
- 1738 (iii) acquire title to all real property, buildings, fixtures, and appurtenances for use by
1739 the state or an agency, as authorized by the Legislature through an appropriation act, other
1740 legislation, or statute, subject to Subsection (1)(c);
- 1741 (iv) except as otherwise provided by statute, hold title to all real property, buildings,
1742 fixtures, and appurtenances owned by the state or an agency;
- 1743 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing
1744 title to or an interest in property belonging to the state or to the state's departments, except
1745 institutions of higher education and the trust lands administration;
- 1746 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and
1747 (B) include in a market analysis a comparison of the division's rates and fees with the
1748 rates and fees of other public or private sector providers of comparable services, if rates and
1749 fees for comparable services are reasonably available;
- 1750 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
1751 Efficiency, including responsibilities:
- 1752 (A) to implement the state building energy efficiency program under Section
1753 [63A-5b-1002](#); and
- 1754 (B) related to the approval of loans from the State Facility Energy Efficiency Fund
1755 under Section [63A-5b-1003](#);
- 1756 (viii) convey, lease, or dispose of the real property, water rights, or water shares
1757 associated with the Utah State Developmental Center if directed to do so by the Utah State
1758 Developmental Center board, as provided in Subsection [26B-6-507\(2\)](#); and
- 1759 (ix) take all other action that the division is required to do under this chapter or other
1760 applicable statute.
- 1761 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall

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

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

1765 (2) The division may:

1766 (a) sue and be sued;

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

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

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

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

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

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

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

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

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

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

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

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

1793 created in Section [63A-1-114](#); and

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

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

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

1798 (1) (a) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1832 (2) The division may:

1833 (a) sue and be sued;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1865 (1) As used in this section:

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

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

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

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

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

1873 (d) "Health benefit plan" means:

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

1875 (ii) an employee welfare benefit plan:

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

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

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

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

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

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

1886 defined in Section 31A-1-301.

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

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

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

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

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

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

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

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

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

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

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

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

1904 (i) shall be from:

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

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

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

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

1912 (c) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
1913 shall provide the actuary or underwriter selected by an administrator, as described in

1914 Subsection (5)(b)(i)(C), sufficient information to determine whether the contractor's

1915 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
1916 requirements of qualified health coverage.

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

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

1922 (B) the division.

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

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

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

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

1932 (i) shall be from:

1933 (A) an actuary selected by the subcontractor or the subcontractor's insurer;

1934 (B) an underwriter who is responsible for developing the employer group's premium
1935 rates; or

1936 (C) if the subcontractor provides a health benefit plan described in Subsection
1937 (1)(d)(ii), an actuary or underwriter selected by an administrator; and

1938 (ii) may not be created more than one year before the day on which the contractor
1939 obtains the statement from the subcontractor.

1940 (7) (a) (i) A contractor that fails to maintain an offer of qualified health coverage
1941 during the duration of the contract as required in this section is subject to penalties in
1942 accordance with administrative rules made by the division under this section, in accordance
1943 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1944 (ii) A contractor is not subject to penalties for the failure of a subcontractor to obtain
1945 and maintain an offer of qualified health coverage as required in this section.

1946 (b) (i) A subcontractor that fails to obtain and maintain an offer of qualified health
1947 coverage during the duration of the subcontract as required in this section is subject to penalties

1948 in accordance with administrative rules made by the division under this section, in accordance
1949 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1950 (ii) A subcontractor is not subject to penalties for the failure of a contractor to maintain
1951 an offer of qualified health coverage as required in this section.

1952 (8) The division shall make rules:

1953 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1954 (b) in coordination with:

1955 (i) the Department of Environmental Quality in accordance with Section [19-1-206](#);

1956 (ii) the Department of Natural Resources in accordance with Section [79-2-404](#);

1957 (iii) a public transit district in accordance with Section [17B-2a-818.5](#);

1958 (iv) the State Capitol Preservation Board in accordance with Section [~~[63C-9-403](#)~~]

1959 [63O-2-403](#);

1960 (v) the Department of Transportation in accordance with Section [72-6-107.5](#); and

1961 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

1962 and

1963 (c) that establish:

1964 (i) the requirements and procedures for a contractor and a subcontractor to demonstrate
1965 compliance with this section, including:

1966 (A) a provision that a contractor or subcontractor's compliance with this section is
1967 subject to an audit by the division or the Office of the Legislative Auditor General;

1968 (B) a provision that a contractor that is subject to the requirements of this section
1969 obtain a written statement as provided in Subsection (5); and

1970 (C) a provision that a subcontractor that is subject to the requirements of this section
1971 obtain a written statement as provided in Subsection (6);

1972 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
1973 violates the provisions of this section, which may include:

1974 (A) a three-month suspension of the contractor or subcontractor from entering into a
1975 future contract with the state upon the first violation;

1976 (B) a six-month suspension of the contractor or subcontractor from entering into a
1977 future contract with the state upon the second violation;

1978 (C) an action for debarment of the contractor or subcontractor in accordance with

1979 Section 63G-6a-904 upon the third or subsequent violation; and

1980 (D) monetary penalties which may not exceed 50% of the amount necessary to
1981 purchase qualified health coverage for eligible employees and dependents of eligible
1982 employees of the contractor or subcontractor who were not offered qualified health coverage
1983 during the duration of the contract; and

1984 (iii) a website for the department to post the commercially equivalent benchmark for
1985 the qualified health coverage that is provided by the Department of Health and Human Services
1986 in accordance with Subsection 26B-3-909(2).

1987 (9) During the duration of a contract, the division may perform an audit to verify a
1988 contractor or subcontractor's compliance with this section.

1989 (10) (a) Upon the division's request, a contractor or subcontractor shall provide the
1990 division:

1991 (i) a signed actuarial certification that the coverage the contractor or subcontractor
1992 offers is qualified health coverage; or

1993 (ii) all relevant documents and information necessary for the division to determine
1994 compliance with this section.

1995 (b) If a contractor or subcontractor provides the documents and information described
1996 in Subsection (10)(a)(i), the Insurance Department shall assist the division in determining if the
1997 coverage the contractor or subcontractor offers is qualified health coverage.

1998 (11) (a) (i) In addition to the penalties imposed under Subsection (7), a contractor or
1999 subcontractor that intentionally violates the provisions of this section is liable to an eligible
2000 employee for health care costs that would have been covered by qualified health coverage.

2001 (ii) An employer has an affirmative defense to a cause of action under Subsection
2002 (11)(a)(i) if:

2003 (A) the employer relied in good faith on a written statement described in Subsection (5)
2004 or (6); or

2005 (B) the department determines that compliance with this section is not required under
2006 the provisions of Subsection (3).

2007 (b) An eligible employee has a private right of action against the employee's employer
2008 only as provided in this Subsection (11).

2009 (12) The director shall cause money collected from the imposition and collection of a

2010 penalty under this section to be deposited into the Medicaid Restricted Account created by
2011 Section 26B-1-309.

2012 (13) The failure of a contractor or subcontractor to provide qualified health coverage as
2013 required by this section:

2014 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
2015 or contractor under:

2016 (i) Section 63G-6a-1602; or

2017 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

2018 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
2019 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
2020 or construction.

2021 (14) An employer's waiting period for an employee to become eligible for qualified
2022 health coverage may not extend beyond the first day of the calendar month following 60 days
2023 after the day on which the employee is hired.

2024 (15) An administrator, including an administrator's actuary or underwriter, who
2025 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
2026 coverage of a contractor or subcontractor who provides a health benefit plan described in
2027 Subsection (1)(d)(ii):

2028 (a) subject to Subsection (11)(b), is not liable for an error in the written statement,
2029 unless the administrator commits gross negligence in preparing the written statement;

2030 (b) is not liable for any error in the written statement if the administrator relied in good
2031 faith on information from the contractor or subcontractor; and

2032 (c) may require as a condition of providing the written statement that a contractor or
2033 subcontractor hold the administrator harmless for an action arising under this section.

2034 Section 29. Section 63G-1-503 (Effective 03/09/24) is amended to read:

2035 **63G-1-503 (Effective 03/09/24). Historic state flag -- Description -- Image --**
2036 **Display.**

2037 (1) The historic state flag shall be a flag of blue field, with the following device
2038 worked in natural colors on the center of the blue field:

2039 (a) in the center a shield;

2040 (b) above the shield and thereon an American eagle with outstretched wings;

- 2041 (c) the top of the shield pierced with six arrows arranged crosswise;
- 2042 (d) upon the shield under the arrows the word "Industry," and below the word
- 2043 "Industry" on the center of the shield, a beehive;
- 2044 (e) on each side of the beehive, growing sego lilies;
- 2045 (f) below the beehive and near the bottom of the shield, the word "Utah";
- 2046 (g) below the word "Utah" and on the bottom of the shield, the figures "1847";
- 2047 (h) behind the shield, there shall be two American flags on flagstuffs placed crosswise
- 2048 with the flags so draped to project beyond each side of the shield, the heads of the flagstuffs
- 2049 appearing in front of the eagle's wings and the bottom of each staff appearing over the face of
- 2050 the draped flag below the shield;
- 2051 (i) below the shield and flags and upon the blue field, the figures "1896"; and
- 2052 (j) around the entire design, a narrow circle in gold.
- 2053 (2) The historic state flag shall appear consistent with any of the following three
- 2054 images:

2055



2056



2057



2058 (3) All citizens maintain the right to use the historic state flag upon any occasion
2059 deemed fitting and appropriate.

2060 (4) The lieutenant governor shall establish standards and specifications for the
2061 manufacture and display of the historic state flag.

2062 (5) The historic state flag shall be displayed:

2063 (a) on state property during legal holidays described in Section [63G-1-301](#), as deemed
2064 appropriate by the governor; and

2065 (b) [~~on the capitol hill complex, as defined in Section 63C-9-102~~] at capitol hill, as
2066 defined in Section 63O-1-101, during the annual general session of the Legislature.

2067 (6) (a) The historic state flag may be displayed on state property for ceremonial
2068 purposes, so long as the flag is serviceable.

2069 (b) The historic state flag shall be replaced by the state flag of Utah, as described in
2070 Section 63G-1-501, when the historic state flag is not displayed for ceremonial purposes.

2071 (c) When displaying the historic state flag on public grounds in any location where the
2072 state flag of Utah, as described in Section 63G-1-501, is also displayed, the governmental
2073 entity responsible for the display of the flags shall ensure that the historic state flag is displayed
2074 beneath the state flag of Utah.

2075 Section 30. Section 63G-1-702 is amended to read:

2076 **63G-1-702. Definitions.**

2077 As used in this part:

2078 (1) "Capitol hill complex" [~~is as defined in Section 63C-9-102~~] means capitol hill, as
2079 defined in Section 63O-1-101.

2080 (2) (a) "Flag" means a depiction or emblem made from fabric or cloth.

2081 (b) "Flag" does not include a depiction or emblem made from:

2082 (i) lights;

2083 (ii) paint;

2084 (iii) roofing;

2085 (iv) siding;

2086 (v) paving materials;

2087 (vi) flora;

2088 (vii) balloons; or

2089 (viii) any other building, landscaping, or decorative component other than fabric or
2090 cloth.

2091 (3) "Flag of the United States" is the flag described in United States Code Title 4,
2092 Chapter 1, The Flag.

2093 (4) "POW/MIA flag" means the POW/MIA flag of the National League of Families of
2094 American Prisoners and Missing in Southeast Asia.

2095 Section 31. Section 63J-1-602.2 (Superseded 07/01/24) is amended to read:

- 2096 **63J-1-602.2 (Superseded 07/01/24). List of nonlapsing appropriations to**
2097 **programs.**
- 2098 Appropriations made to the following programs are nonlapsing:
- 2099 (1) The Legislature and the Legislature's committees.
- 2100 (2) The State Board of Education, including all appropriations to agencies, line items,
2101 and programs under the jurisdiction of the State Board of Education, in accordance with
2102 Section [53F-9-103](#).
- 2103 (3) The Rangeland Improvement Act created in Section [4-20-101](#).
- 2104 (4) The Percent-for-Art Program created in Section [9-6-404](#).
- 2105 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section [4-46-301](#).
- 2106 (6) The Utah Lake Authority created in Section [11-65-201](#).
- 2107 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
2108 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).
- 2109 (8) The Wildlife Land and Water Acquisition Program created in Section [23A-6-205](#).
- 2110 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
2111 [26B-3-108\(7\)](#).
- 2112 (10) The Emergency Medical Services Grant Program in Section [26B-4-107](#).
- 2113 (11) The primary care grant program created in Section [26B-4-310](#).
- 2114 (12) The Opiate Overdose Outreach Pilot Program created in Section [26B-4-512](#).
- 2115 (13) The Utah Health Care Workforce Financial Assistance Program created in Section
2116 [26B-4-702](#).
- 2117 (14) The Rural Physician Loan Repayment Program created in Section [26B-4-703](#).
- 2118 (15) The Utah Medical Education Council for the:
- 2119 (a) administration of the Utah Medical Education Program created in Section
2120 [26B-4-707](#);
- 2121 (b) provision of medical residency grants described in Section [26B-4-711](#); and
- 2122 (c) provision of the forensic psychiatric fellowship grant described in Section
2123 [26B-4-712](#).
- 2124 (16) The Division of Services for People with Disabilities, as provided in Section
2125 [26B-6-402](#).
- 2126 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance

- 2127 with Subsection [32B-2-301\(8\)\(a\)](#) or (b).
- 2128 (18) The General Assistance program administered by the Department of Workforce
2129 Services, as provided in Section [35A-3-401](#).
- 2130 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2131 (20) The Search and Rescue Financial Assistance Program, as provided in Section
2132 [53-2a-1102](#).
- 2133 (21) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2134 (22) The Utah Board of Higher Education for teacher preparation programs, as
2135 provided in Section [53B-6-104](#).
- 2136 (23) Innovation grants under Section [53G-10-608](#), except as provided in Subsection
2137 [53G-10-608\(6\)](#).
- 2138 (24) The Division of Fleet Operations for the purpose of upgrading underground
2139 storage tanks under Section [63A-9-401](#).
- 2140 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2141 (26) The Division of Technology Services for technology innovation as provided under
2142 Section [63A-16-903](#).
- 2143 (27) The State Capitol Preservation Board created by Section [~~[63C-9-201](#)~~] [63O-2-201](#).
- 2144 (28) The Office of Administrative Rules for publishing, as provided in Section
2145 [63G-3-402](#).
- 2146 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
2147 Colorado River Authority of Utah Act.
- 2148 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
2149 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2150 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
2151 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 2152 (32) County correctional facility contracting program for state inmates as described in
2153 Section [64-13e-103](#).
- 2154 (33) Programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).
- 2155 (34) The Division of Human Resource Management user training program, as provided
2156 in Section [63A-17-106](#).
- 2157 (35) A public safety answering point's emergency telecommunications service fund, as

2158 provided in Section 69-2-301.

2159 (36) The Traffic Noise Abatement Program created in Section 72-6-112.

2160 (37) The money appropriated from the Navajo Water Rights Negotiation Account to
2161 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
2162 settlement of federal reserved water right claims.

2163 (38) The Judicial Council for compensation for special prosecutors, as provided in
2164 Section 77-10a-19.

2165 (39) A state rehabilitative employment program, as provided in Section 78A-6-210.

2166 (40) The Utah Geological Survey, as provided in Section 79-3-401.

2167 (41) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2168 (42) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2169 78B-6-144.5.

2170 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2171 Defense Commission.

2172 (44) The program established by the Division of Facilities Construction and
2173 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2174 and pay lease payments for the use and occupancy of buildings owned by the Division of
2175 Facilities Construction and Management.

2176 (45) The State Tax Commission for reimbursing counties for deferred property taxes in
2177 accordance with Section 59-2-1802.5.

2178 (46) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
2179 Section 32. Section 63J-1-602.2 (Effective 07/01/24) is amended to read:

2180 **63J-1-602.2 (Effective 07/01/24). List of nonlapsing appropriations to programs.**

2181 Appropriations made to the following programs are nonlapsing:

2182 (1) The Legislature and the Legislature's committees.

2183 (2) The State Board of Education, including all appropriations to agencies, line items,
2184 and programs under the jurisdiction of the State Board of Education, in accordance with
2185 Section 53F-9-103.

2186 (3) The Rangeland Improvement Act created in Section 4-20-101.

2187 (4) The Percent-for-Art Program created in Section 9-6-404.

2188 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.

- 2189 (6) The Utah Lake Authority created in Section [11-65-201](#).
- 2190 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
- 2191 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).
- 2192 (8) The Wildlife Land and Water Acquisition Program created in Section [23A-6-205](#).
- 2193 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
- 2194 [26B-3-108\(7\)](#).
- 2195 (10) The primary care grant program created in Section [26B-4-310](#).
- 2196 (11) The Opiate Overdose Outreach Pilot Program created in Section [26B-4-512](#).
- 2197 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
- 2198 [26B-4-702](#).
- 2199 (13) The Rural Physician Loan Repayment Program created in Section [26B-4-703](#).
- 2200 (14) The Utah Medical Education Council for the:
- 2201 (a) administration of the Utah Medical Education Program created in Section
- 2202 [26B-4-707](#);
- 2203 (b) provision of medical residency grants described in Section [26B-4-711](#); and
- 2204 (c) provision of the forensic psychiatric fellowship grant described in Section
- 2205 [26B-4-712](#).
- 2206 (15) The Division of Services for People with Disabilities, as provided in Section
- 2207 [26B-6-402](#).
- 2208 (16) Funds that the Department of Alcoholic Beverage Services retains in accordance
- 2209 with Subsection [32B-2-301\(8\)\(a\)](#) or (b).
- 2210 (17) The General Assistance program administered by the Department of Workforce
- 2211 Services, as provided in Section [35A-3-401](#).
- 2212 (18) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 2213 (19) The Search and Rescue Financial Assistance Program, as provided in Section
- 2214 [53-2a-1102](#).
- 2215 (20) The Emergency Medical Services Grant Program in Section [53-2d-207](#).
- 2216 (21) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2217 (22) The Utah Board of Higher Education for teacher preparation programs, as
- 2218 provided in Section [53B-6-104](#).
- 2219 (23) Innovation grants under Section [53G-10-608](#), except as provided in Subsection

- 2220 [53G-10-608](#)(6).
- 2221 (24) The Division of Fleet Operations for the purpose of upgrading underground
2222 storage tanks under Section [63A-9-401](#).
- 2223 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2224 (26) The Division of Technology Services for technology innovation as provided under
2225 Section [63A-16-903](#).
- 2226 (27) The State Capitol Preservation Board created by Section [~~[63C-9-201](#)~~] [63O-2-201](#).
- 2227 (28) The Office of Administrative Rules for publishing, as provided in Section
2228 [63G-3-402](#).
- 2229 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
2230 Colorado River Authority of Utah Act.
- 2231 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
2232 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2233 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
2234 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 2235 (32) County correctional facility contracting program for state inmates as described in
2236 Section [64-13e-103](#).
- 2237 (33) Programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).
- 2238 (34) The Division of Human Resource Management user training program, as provided
2239 in Section [63A-17-106](#).
- 2240 (35) A public safety answering point's emergency telecommunications service fund, as
2241 provided in Section [69-2-301](#).
- 2242 (36) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 2243 (37) The money appropriated from the Navajo Water Rights Negotiation Account to
2244 the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a
2245 settlement of federal reserved water right claims.
- 2246 (38) The Judicial Council for compensation for special prosecutors, as provided in
2247 Section [77-10a-19](#).
- 2248 (39) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 2249 (40) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 2250 (41) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

2251 (42) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
2252 [78B-6-144.5](#).

2253 (43) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2254 Defense Commission.

2255 (44) The program established by the Division of Facilities Construction and
2256 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation
2257 and pay lease payments for the use and occupancy of buildings owned by the Division of
2258 Facilities Construction and Management.

2259 (45) The State Tax Commission for reimbursing counties for deferred property taxes in
2260 accordance with Section [59-2-1802.5](#).

2261 (46) The Veterinarian Education Loan Repayment Program created in Section [4-2-902](#).
2262 Section 33. Section **63O-1-101** is enacted to read:

2263 **TITLE 63O. CAPITOL HILL**

2264 **CHAPTER 1. CONTROL AND MAINTENANCE OF CAPITOL HILL**

2265 **Part 1. General Provisions**

2266 **63O-1-101. Definitions.**

2267 As used in this title:

2268 (1) "Architectural integrity" means the architectural elements, materials, color, and
2269 quality of the original building construction.

2270 (2) "Area of joint control" means all areas that are specified under this chapter as being
2271 under the direction and control of both the Legislature and the governor.

2272 (3) "Board" means the State Capitol Preservation Board created in Section [63C-9-201](#).

2273 (4) "Capitol hill" means the following, in Salt Lake City:

2274 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made
2275 and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North
2276 Street, and East Capitol Boulevard;

2277 (b) the White Community Memorial Chapel, including the grounds, monuments,
2278 parking areas, buildings, structures, and other man-made and natural objects on the property;

2279 (c) the Council Hall Travel Information Center, including the grounds, monuments,
2280 parking areas, buildings, structures, and other man-made and natural objects on the property;

2281 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:

2282 (i) the grounds, monuments, parking areas, buildings, structures, and other man-made
2283 and natural objects on the property; and

2284 (ii) the other state-owned property within the area bounded by Columbus Street, North
2285 Main Street, and Apricot Avenue;

2286 (e) the Central Plant, located to the southeast of the intersection of 500 North and
2287 Columbus Street;

2288 (f) the state-owned property within the area bounded by Columbus Street, Wall Street,
2289 and 400 North Street; and

2290 (g) the state-owned property within the area bounded by Columbus Street, West
2291 Capitol Street, and 500 North Street.

2292 (5) "Governor's area" means all areas, other than an area of joint control, that are
2293 specified under this chapter as being under the direction and control of the governor.

2294 (6) "House Building" means the west building on capitol hill that is located northwest
2295 of the State Capitol, southwest of the North Building, and west of the Senate Building.

2296 (7) "Legislative area" means all areas, other than an area of joint control, that are
2297 specified under this chapter as being under the direction and control of the Legislature.

2298 (8) "Legislative day" means:

2299 (a) a day during the annual general session of the Legislature;

2300 (b) a day during a special session of the Legislature;

2301 (c) a day during which the House of Representatives is convened under Utah
2302 Constitution, Article VI, Section 17;

2303 (d) a day during which the Senate is convened under Utah Constitution, Article VI,
2304 Section 18;

2305 (e) a day during a veto override session; or

2306 (f) a day designated by the Legislative Management Committee as a legislative day for
2307 meetings of the House of Representatives, the Senate, or a committee, task force, caucus, or
2308 other group of the legislative branch.

2309 (9) "North Building" means the building on capitol hill that is located north of the State
2310 Capitol, northeast of the House Building, and northwest of the Senate Building.

2311 (10) "Senate Building" means the building on capitol hill that is located northeast of
2312 the State Capitol, southeast of the North Building, and east of the House Building.

2313 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

2314 (12) (a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the
2315 basement level of capitol hill.

2316 (b) "Tunnels" does not include the underground parking.

2317 Section 34. Section **63O-1-201** is enacted to read:

2318 **Part 2. Buildings, Structures, and Grounds**

2319 **63O-1-201. Capitol building -- Direction and control.**

2320 (1) In the basement of the State Capitol:

2321 (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the
2322 direction and control of the board, which shall allocate space, as needed, for security offices,
2323 the Supreme Court, and others;

2324 (b) the following areas are under the direction and control of the Legislature:

2325 (i) the Legislative Printing office and Bill Room;

2326 (ii) the Sergeant Lounge; and

2327 (iii) the press room; and

2328 (c) the following areas in the southwest corner are under the direction and control of
2329 the governor:

2330 (i) the governor's parking area;

2331 (ii) the operations center;

2332 (iii) the executive suite; and

2333 (iv) the executive detail area.

2334 (2) On the first floor of the State Capitol:

2335 (a) the following are under the direction and control of the governor:

2336 (i) the office suites located on the northwest and southwest sides; and

2337 (ii) the dignitary holding area and elevator, which the Legislature may schedule
2338 through the Utah Highway Patrol Dignitary Protection Bureau;

2339 (b) suite 180, in the southeast corner, is under the direction and control of the board
2340 and assigned for the use of the state treasurer; and

2341 (c) the following are under the direction and control of the board:

2342 (i) the board offices, located in suite 120, immediately to the east of the State Capitol's
2343 north entrance;

- 2344 (ii) the Visitor Services Office, located in suite 130, immediately to the west of the
2345 State Capitol's north entrance;
- 2346 (iii) the vending room to the south of the Visitor Services Office;
2347 (iv) all vestibules, and the room on the east of the south vestibule;
2348 (v) the public area beneath the rotunda and the adjacent public areas;
2349 (vi) all conference rooms and storage rooms accessed from the areas described in
2350 Subsection (2)(c)(v);
- 2351 (vii) suite 110, to the south of the board offices;
2352 (viii) the Visitors Center; and
2353 (ix) the Presentation Room.
- 2354 (3) On the second floor of the State Capitol:
- 2355 (a) suite 250, in the northeast corner, is under the direction and control of the
2356 Legislature;
- 2357 (b) before January 1, 2025, suite 260, to the west of suite 250, is under the direction
2358 and control of the board and assigned for the use of the state auditor;
- 2359 (c) beginning on January 1, 2025, suite 260, to the west of suite 250, is under the
2360 direction and control of the board and assigned for the use of the state auditor, until a
2361 substantially similar space in the State Capitol is assigned to the state auditor, after which suite
2362 260, to the west of suite 250, is under the direction and control of the Legislature;
- 2363 (d) suite 230, in the southeast corner, is under the direction and control of the board
2364 and assigned for the use of the attorney general;
- 2365 (e) the following are under the direction and control of the governor:
- 2366 (i) suite 200, at the west end of the floor;
2367 (ii) suite 220, to the west of suite 230; and
2368 (iii) suite 270, in the central north area;
- 2369 (f) the Gold Room, including the adjacent pantry:
- 2370 (i) is under the direction and control of the governor and the Legislature; and
2371 (ii) is scheduled through the governor, with the governor having scheduling priority;
- 2372 (g) the Capitol Board Room:
- 2373 (i) is under the direction and control of the governor and the Legislature; and
2374 (ii) is scheduled through the board, as follows:

2375 (A) on a day other than a legislative day:

2376 (I) the governor and lieutenant governor have first scheduling priority, regardless of
2377 whether the Legislature or any other party has already scheduled the room; and

2378 (II) the Legislature has second scheduling priority, regardless of whether a party, other
2379 than the governor or lieutenant governor, has already scheduled the room;

2380 (B) on a legislative day:

2381 (I) the Legislature has first scheduling priority, regardless of whether the governor, the
2382 lieutenant governor, or any other party has already scheduled the room; and

2383 (II) the governor and lieutenant governor have second scheduling priority, regardless of
2384 whether a party, other than the Legislature, has already scheduled the room;

2385 (C) if the reservation of a person who schedules the room is canceled under Subsection
2386 (3)(g)(ii)(A) or (B), the board shall give the person as much notice as possible to schedule
2387 another site;

2388 (D) subject to Subsection (3)(g)(ii)(A) or (B), other executive branch or judicial branch
2389 entities may schedule the room on a first come, first-served, basis; and

2390 (E) subject to Subsection (3)(g)(ii)(A) or (B), and the board's rules for use of capitol
2391 hill facilities, other persons may schedule the room on a first come, first-served, basis;

2392 (h) the following areas are under the direction and control of the board:

2393 (i) the grand staircases;

2394 (ii) the rotunda;

2395 (iii) the kitchen adjacent to the Gold Room; and

2396 (iv) the open areas that are:

2397 (A) east of the rotunda to the doors of the Capitol Board Room;

2398 (B) west of the rotunda, to the entrance to the governor's office;

2399 (C) south of the rotunda to the south entrance to the State Capitol; and

2400 (D) north of the rotunda to the north wall.

2401 (4) (a) On the third floor of the State Capitol, the entire floor is under the direction and
2402 control of the Legislature, except the areas described in Subsections (6)(a) and (b).

2403 (b) The Supreme Court Chambers will be scheduled by:

2404 (i) the Legislature on a legislative day; and

2405 (ii) the Senate on a day other than a legislative day;

2406 (5) On the fourth floor of the State Capitol, the entire floor is under the direction and
2407 control of the Legislature, except that the following areas are under the direction and control of
2408 the board:

2409 (a) the areas described in Subsections (6)(a) and (b):

2410 (b) the four art galleries outside of the storage rooms described in Subsection (6)(b);

2411 and

2412 (c) the storage room to the north of the northeast art gallery.

2413 (6) In addition to the areas specified under Subsections (1) through (5) as being under
2414 the direction and control of the board, the following areas in the State Capitol are under the
2415 direction and control of the board:

2416 (a) the staircases, elevators, public restrooms and the access areas adjacent to them;

2417 (b) the interior of the pillars that begin in the open area on the first floor and rise to the
2418 fourth floor, including the storage closets;

2419 (c) all areas of the State Capitol above the fourth floor, including the dome and roof;

2420 and

2421 (d) the other areas of the State Capitol not specified under this section as being under
2422 the direction or control of the governor or the Legislature.

2423 (7) (a) Before October 1, 2024, the governor, the state auditor, the attorney general, the
2424 state treasurer, the president of the Senate, and the speaker of the House of Representatives
2425 shall assess the use of space in the State Capitol to determine the best use of the space,
2426 including the space currently used by:

2427 (i) the governor;

2428 (ii) the lieutenant governor;

2429 (iii) the Elections Office;

2430 (iv) the Senate;

2431 (v) the House of Representatives;

2432 (vi) the attorney general;

2433 (vii) the state auditor; and

2434 (viii) the state treasurer.

2435 (b) In making the assessment described in Subsection (7)(a), priority for space in the
2436 capitol is given to the Legislature, the governor, the lieutenant governor, the attorney general,

2437 the state auditor, and the state treasurer.

2438 Section 35. Section **63O-1-202** is enacted to read:

2439 **63O-1-202. House building -- Direction and control.**

2440 The entire House Building is under the direction and control of the Legislature, which

2441 may assign certain areas to be used by the executive branch.

2442 Section 36. Section **63O-1-203** is enacted to read:

2443 **63O-1-203. Senate building -- Direction and control.**

2444 The entire Senate Building is under the direction and control of the Legislature, which

2445 may assign certain areas to be used by the executive branch.

2446 Section 37. Section **63O-1-204** is enacted to read:

2447 **63O-1-204. North Building -- Direction and control.**

2448 (1) As used in this section, "department" means the Department of Cultural and

2449 Community Engagement, created in Section [9-1-201](#).

2450 (2) The basement of the North Building is under the direction and control of the board,

2451 the majority of which the board will assign for the use of the state museum.

2452 (3) The first floor of the North Building is under the direction and control of the board,

2453 part of which the board will assign for the use of the state museum.

2454 (4) On the second floor of the North Building:

2455 (a) except as provided under Subsection (4)(b), the entire floor is under the direction

2456 and control of the board, part of which the board will assign for the use of the state museum;

2457 and

2458 (b) the conference room on the south side of the floor, to the west of the lounge, is

2459 under the direction and control of the Legislature.

2460 (5) The entire third floor of the North Building is under the direction and control of the

2461 Legislature.

2462 (6) The entire fourth floor of the North Building is under the direction and control of

2463 the Legislature.

2464 (7) All portions of the North Building above the fourth floor are under the direction

2465 and control of the board.

2466 (8) The entire atrium in the North Building, from the first floor to the ceiling of the

2467 fourth floor, is under the direction and control of the board, including:

2468 (a) the architectural integrity of all areas of the atrium, including:

2469 (i) architectural or design features;

2470 (ii) historic color schemes, decorative finishes, and stenciling;

2471 (iii) decorative light fixtures; and

2472 (iv) flooring; and

2473 (b) the appearance of the atrium, including interior alterations or furnishings that

2474 impact the appearance of the atrium.

2475 (9) All stairs, elevators, and restrooms in the North Building are under the direction

2476 and control of the board.

2477 Section 38. Section **63O-1-205** is enacted to read:

2478 **63O-1-205. Parking.**

2479 (1) All surface parking on capitol hill is under the direction and control of the board.

2480 (2) All underground parking on capitol hill is under the direction and control of the

2481 Legislature.

2482 (3) Under the direction of the Legislature, the board shall:

2483 (a) maintain and control the use of the first level of the covered parking under the plaza
2484 to the north of the North Building, giving a preference for public parking on that level;

2485 (b) except as provided in Subsection (3)(a), maintain and control the use of the covered
2486 parking under the plaza to the north of the North Building for use by the legislative branch; and

2487 (c) designate portions of parking used by the Legislature on legislative days for use by
2488 the executive branch on days other than legislative days.

2489 Section 39. Section **63O-1-206** is enacted to read:

2490 **63O-1-206. Grounds, buildings, and other structures.**

2491 The following are under the direction and control of the board:

2492 (1) the White Memorial Chapel, including the areas and objects described in

2493 Subsection [63O-1-101\(4\)\(b\)](#);

2494 (2) the Council Hall Travel Information Center, including the areas and objects

2495 described in Subsection [63O-1-101\(4\)\(c\)](#);

2496 (3) the Daughters of the Utah Pioneers Building, including the Carriage House and the
2497 areas and objects described in Subsection [63O-1-101\(4\)\(d\)](#);

2498 (4) the Central Plant;

- 2499 (5) the belvedere to the north of the North Plaza;
2500 (6) the stair towers;
2501 (7) the tunnels; and
2502 (8) except as expressly provided otherwise in this chapter, all grounds, buildings,
2503 structures, monuments, plants, and other natural or man-made features on capitol hill.
2504 Section 40. Section **63O-1-301** is enacted to read:
2505 **63O-1-301. Board responsibility and shared responsibility.**
2506 (1) The following are the responsibility of the board:
2507 (a) the architectural integrity of all areas of capitol hill, including:
2508 (i) restored historic architectural or design features;
2509 (ii) historic color schemes, decorative finishes, and stenciling;
2510 (iii) decorative light fixtures; and
2511 (iv) flooring;
2512 (b) the exterior appearance of all buildings and structures on capitol hill, including
2513 interior alterations or furnishings that impact the exterior appearance;
2514 (c) for the State Capitol, House Building, Senate Building, and North Building:
2515 (i) control of the central mechanical and electrical core on all floors;
2516 (ii) control of the enclosure of the building, from the exterior of the building to the
2517 interior of the exterior wall;
2518 (iii) public restrooms;
2519 (iv) the roof; and
2520 (v) public elevators and stairways;
2521 (d) in relation to the legislative area, the functions that the Legislative Management
2522 Committee delegates in writing to be performed by the board; and
2523 (e) in relation to the governor's area, the functions that the governor delegates in
2524 writing to be performed by the board.
2525 (2) The data and communications centers in the buildings and structures on capitol hill:
2526 (a) that are associated with the Legislature are maintained by the board under the
2527 direction of the Legislature;
2528 (b) that are associated with the executive branch are maintained by the board under the
2529 direction of the governor; and

2530 (c) that are associated with both the Legislature and the executive branch are
2531 maintained by the board under the direction of the Legislature and the governor.

2532 (3) The board shall maintain:

2533 (a) all areas under the direction and control of the board;

2534 (b) as directed by the Legislature, all areas under the direction and control of the
2535 Legislature;

2536 (c) as directed by the governor, all areas under the direction and control of the
2537 governor; and

2538 (d) as directed by the state treasurer, state auditor, or attorney general, all areas under
2539 the respective control of those elected officials.

2540 (4) Any alteration that involves interior or exterior construction on capitol hill shall be
2541 done in coordination with the executive director of the board.

2542 Section 41. Section **63O-1-302** is enacted to read:

2543 **63O-1-302. Jurisdiction and use of areas under the direction and control of the**
2544 **Legislature.**

2545 (1) The legislative area is reserved for the use and occupancy of the Legislature for
2546 legislative functions.

2547 (2) Except as provided in Section [63O-1-301](#), the Legislative Management Committee
2548 shall exercise jurisdiction over the legislative area.

2549 Section 42. Section **63O-1-303** is enacted to read:

2550 **63O-1-303. Jurisdiction and use of areas under the direction and control of the**
2551 **governor.**

2552 (1) The governor's area is reserved for the use and occupancy of the executive branch
2553 for executive functions.

2554 (2) Except as provided in Section [63O-1-301](#), the governor shall exercise jurisdiction
2555 over the governor's area.

2556 Section 43. Section **63O-2-101**, which is renumbered from Section 63C-9-102 is
2557 renumbered and amended to read:

2558 **CHAPTER 2. STATE CAPITOL PRESERVATION BOARD**

2559 **Part 1. General Provisions**

2560 **[63C-9-102].** **63O-2-101. Definitions.**

2561 [(1) "Board" means the State Capitol Preservation Board created by Section
2562 ~~63C-9-201~~.]

2563 [(2) "Capitol hill complex" means the grounds, monuments, parking areas, buildings,
2564 including the capitol, and other man-made and natural objects within the area bounded by 300
2565 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:]

2566 [(a) the White Community Memorial Chapel and its grounds and parking areas, and the
2567 Council Hall Travel Information Center building and its grounds and parking areas;]

2568 [(b) the Daughters of the Utah Pioneers building and its grounds and parking areas and
2569 other state-owned property included within the area bounded by Columbus Street, North Main
2570 Street, and Apricot Avenue;]

2571 [(c) the state-owned property included within the area bounded by Columbus Street,
2572 Wall Street, and 400 North Street, and]

2573 [(d) the state-owned property included within the area bounded by Columbus Street,
2574 West Capitol Street, and 500 North Street.]

2575 [(3) "Capitol hill facilities" means all of the buildings on the capitol hill complex,
2576 including the capitol, and the exterior steps, entrances, streets, parking areas, and other paved
2577 areas of capitol hill.]

2578 [(4) "Capitol hill grounds" means the unpaved areas of the capitol hill complex. (5)-
2579 "Executive director"] As used in this [chapter](#), "executive director" means the executive director
2580 appointed by the board under Section [~~63C-9-401~~] [63O-2-401](#).

2581 Section 44. Section **63O-2-201**, which is renumbered from Section 63C-9-201 is
2582 renumbered and amended to read:

2583 **Part 2. State Capitol Preservation Board - Creation, Membership, and Terms**
2584 [~~63C-9-201~~]. **63O-2-201. State Capitol Preservation Board -- Creation --**
2585 **Membership.**

2586 (1) There is created the State Capitol Preservation Board.

2587 (2) The board shall consist of the following 11 members:

2588 (a) the governor, or the lieutenant governor acting as the governor's designee;

2589 (b) the president of the Senate or the president's designee, who shall be a member of
2590 the Senate;

2591 (c) the speaker of the House of Representatives or the speaker's designee, who shall be

2592 a member of the House of Representatives;

2593 (d) the state treasurer;

2594 (e) the state attorney general;

2595 (f) two members of the Senate appointed by the president of the Senate, one from the

2596 majority party and one from the minority party;

2597 (g) two members of the House of Representatives appointed by the speaker of the

2598 House of Representatives, one from the majority party and one from the minority party;

2599 (h) the chief justice of the Supreme Court or the chief justice's designee, who shall be a

2600 member of the Supreme Court; and

2601 (i) the state historic preservation officer.

2602 Section 45. Section **63O-2-202**, which is renumbered from Section 63C-9-202 is

2603 renumbered and amended to read:

2604 ~~[63C-9-202]~~. **63O-2-202. Terms -- Vacancies -- Chair -- Vice chair --**

2605 **Meetings -- Compensation.**

2606 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state

2607 treasurer, state attorney general, and state historic preservation officer shall serve terms

2608 coterminous with their office.

2609 (b) The other members shall serve two-year terms.

2610 (2) Vacancies in the appointed positions shall be filled by the original appointing

2611 authority for the unexpired term.

2612 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.

2613 (b) When the governor is absent from meetings of the board, the vice chair is chair of

2614 the board.

2615 (c) The governor shall appoint a member of the board to serve as vice chair with the

2616 approval of a majority of the members of the board.

2617 (4) The board shall meet at least quarterly and at other times at the call of the governor

2618 or at the request of four members of the board.

2619 (5) (a) A member who is not a legislator may not receive compensation or benefits for

2620 the member's service, but may receive per diem and travel expenses as allowed in:

2621 (i) Section [63A-3-106](#);

2622 (ii) Section [63A-3-107](#); and

2623 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
2624 63A-3-107.

2625 (b) Compensation and expenses of a member who is a legislator are governed by
2626 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
2627 Section 46. Section 63O-2-301, which is renumbered from Section 63C-9-301 is
2628 renumbered and amended to read:

2629 **Part 3. State Capitol Preservation Board - Powers and Duties**

2630 ~~63C-9-301~~. **63O-2-301. Board powers -- Subcommittees.**

2631 (1) The board shall:

2632 (a) except as ~~provided in Subsection (2)]~~ otherwise provided in Chapter 1, Control and
2633 Maintenance of Capitol Hill, exercise complete jurisdiction and stewardship over capitol hill
2634 facilities, capitol hill grounds, and the capitol hill complex;

2635 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
2636 capitol hill grounds, and their contents;

2637 (c) before October 1 of each year, review and approve the executive director's annual
2638 budget request for submittal to the governor and Legislature;

2639 (d) ~~by~~ on or before October 1 of each year, prepare and submit a recommended
2640 budget request for the upcoming fiscal year for the capitol hill complex to:

2641 (i) the governor, through the Governor's Office of Planning and Budget; and

2642 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
2643 through the Office of the Legislative Fiscal Analyst;

2644 (e) review and approve the executive director's:

2645 (i) annual work plan;

2646 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
2647 capitol hill grounds; and

2648 (iii) furnishings plan for placement and care of objects under the care of the board;

2649 (f) approve all changes to the buildings and their grounds, including:

2650 (i) restoration, remodeling, and rehabilitation projects;

2651 (ii) usual maintenance program; and

2652 (iii) any transfers or loans of objects under the board's care;

2653 (g) define and identify all significant aspects of ~~the capitol hill complex, capitol hill~~

2654 ~~facilities, and capitol hill grounds]~~ capitol hill, after consultation with the:

2655 (i) Division of Facilities Construction and Management;

2656 (ii) State Library Division;

2657 (iii) Division of Archives and Records Service;

2658 (iv) Utah Historical Society;

2659 (v) Office of Museum Services; and

2660 (vi) Arts Council;

2661 (h) inventory, define, and identify all significant contents of the buildings and all

2662 state-owned items of historical significance that were at one time in the buildings, after

2663 consultation with the:

2664 (i) Division of Facilities Construction and Management;

2665 (ii) State Library Division;

2666 (iii) Division of Archives and Records Service;

2667 (iv) Utah Historical Society;

2668 (v) Office of Museum Services; and

2669 (vi) Arts Council;

2670 (i) maintain archives relating to the construction and development of the buildings, the

2671 contents of the buildings and ~~[their]~~ the grounds, including ~~[documents such as]~~ plans,

2672 specifications, photographs, purchase orders, and other related documents, the original copies

2673 of which shall be maintained by the Division of Archives and Records Service;

2674 (j) comply with federal and state laws related to program and facility accessibility; and

2675 (k) establish procedures for receiving, hearing, and deciding complaints or other issues

2676 raised about ~~[the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their~~

2677 ~~use]~~ capitol hill and the use of capitol hill.

2678 ~~[(2)(a) Notwithstanding Subsection (1)(a), the supervision and control of the~~

2679 ~~legislative area, as defined in Section 36-5-1, is reserved to the Legislature; and]~~

2680 ~~[(b) the supervision and control of the governor's area, as defined in Section 67-1-16, is~~

2681 ~~reserved to the governor.]~~

2682 ~~[(3)]~~ (2) (a) The board shall make rules to govern, administer, and regulate ~~[the capitol~~

2683 ~~hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and~~

2684 ~~requirements of]~~ capitol hill, in accordance with Title 63G, Chapter 3, Utah Administrative

2685 Rulemaking Act.

2686 (b) A violation of a rule relating to the use of [~~the capitol hill complex~~] capitol hill
2687 adopted by the board under the authority of this Subsection [~~(3)~~] (2) is an infraction.

2688 (c) If an act violating a rule under Subsection [~~(3)(b)~~] (2)(b) also amounts to an offense
2689 subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title
2690 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection
2691 (3)(b) does not prohibit prosecution and sentencing for the more serious offense.

2692 (d) In addition to any punishment allowed under Subsections [~~(3)(b) and (c)~~] (2)(b) and
2693 (c), a person who violates a rule adopted by the board under the authority of this Subsection
2694 [~~(3)~~] (2) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of
2695 any actual damages, expenses, and costs related to the violation of the rule that are incurred by
2696 the state.

2697 (e) The board may take any other legal action allowed by law.

2698 (f) The board may not apply this section or rules adopted under the authority of this
2699 section in a manner that violates a person's rights under the Utah Constitution or the First
2700 Amendment to the United States Constitution, including the right of persons to peaceably
2701 assemble.

2702 (g) The board shall send proposed rules under this section to the legislative general
2703 counsel and the governor's general counsel for review and comment before the board adopts the
2704 rules.

2705 [~~(4)~~] (3) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
2706 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
2707 of that chapter.

2708 [~~(5)~~] (4) The board shall name:

2709 (a) the House Building[~~, that is defined in Section 36-5-1;~~] the "Rebecca D. Lockhart
2710 House Building"; and

2711 (b) committee room 210 in the Senate Building[~~, that is defined in Section 36-5-1;~~] the
2712 "Allyson W. Gamble Committee Room."[:]

2713 [~~(6)~~] (5) (a) The board may:

2714 (i) establish subcommittees made up of board members and members of the public to
2715 assist and support the executive director in accomplishing the executive director's duties;

- 2716 (ii) establish fees for the use of capitol hill facilities and [~~capitol hill~~] grounds;
- 2717 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
- 2718 the other agency agrees to perform the duty or accept the responsibility;
- 2719 (iv) contract with another state agency to provide services;
- 2720 (v) delegate by specific motion of the board any authority granted to [~~it by~~] the board
- 2721 under this section to the executive director;
- 2722 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
- 2723 property contiguous to East Capitol Boulevard and capitol hill;
- 2724 (vii) provide wireless Internet service to the public without a fee in any capitol hill
- 2725 facility; and
- 2726 (viii) when necessary, consult with the:
- 2727 (A) Division of Facilities Construction and Management;
- 2728 (B) State Library Division;
- 2729 (C) Division of Archives and Records Service;
- 2730 (D) Utah Historical Society;
- 2731 (E) Office of Museum Services; and
- 2732 (F) Arts Council.
- 2733 (b) The board's provision of wireless Internet service under Subsection [~~(6)(a)(vii)~~]
- 2734 (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the
- 2735 speaker of the House of Representatives each submit a signed letter to the board indicating that
- 2736 the service is disruptive to the legislative process and is to be discontinued.
- 2737 (c) If a budget subcommittee is established by the board, the following shall serve as ex
- 2738 officio, nonvoting members of the budget subcommittee:
- 2739 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office
- 2740 of the Legislative Fiscal Analyst; and
- 2741 (ii) the executive director of the Governor's Office of Planning and Budget, or the
- 2742 executive director's designee, who shall be from the Governor's Office of Planning and Budget.
- 2743 (d) If a preservation and maintenance subcommittee is established by the board, the
- 2744 board may, by majority vote, appoint one or each of the following to serve on the
- 2745 subcommittee as voting members of the subcommittee:
- 2746 (i) an architect, who shall be selected from a list of three architects submitted by the

2747 American Institute of Architects; or

2748 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
2749 American Civil Engineers Council.

2750 (e) If the board establishes any subcommittees, the board may, by majority vote,
2751 appoint up to two people who are not members of the board to serve, at the will of the board, as
2752 nonvoting members of a subcommittee.

2753 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
2754 select one individual to act as chair of the subcommittee for a one-year term.

2755 ~~[(7)]~~ (6) (a) The board, and the employees of the board, may not move the office of the
2756 governor, lieutenant governor, president of the Senate, speaker of the House of
2757 Representatives, or a member of the Legislature from the State Capitol unless the removal is
2758 approved by:

2759 (i) the governor, in the case of the governor's office;

2760 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2761 (iii) the president of the Senate, in the case of the president's office or the office of a
2762 member of the Senate; or

2763 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
2764 the office of a member of the House.

2765 (b) The board and the employees of the board have no control over the furniture,
2766 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the
2767 members of the Legislature except as necessary to inventory or conserve items of historical
2768 significance owned by the state.

2769 (c) The board and the employees of the board have no control over records and
2770 documents produced by or in the custody of a state agency, official, or employee having an
2771 office in a building on ~~[the]~~ capitol hill ~~[complex]~~.

2772 (d) Except for items identified by the board as having historical significance, and
2773 except as provided in Subsection ~~[(7)(b)]~~ (6)(b), the board and the employees of the board have
2774 no control over moveable furnishings and equipment in the custody of a state agency, official,
2775 or employee having an office in a building on ~~[the]~~ capitol hill ~~[complex]~~.

2776 Section 47. Section **63O-2-401**, which is renumbered from Section 63C-9-401 is
2777 renumbered and amended to read:

Part 4. Executive Director

~~63C-9-401~~. 63O-2-401. Executive director.

The board shall:

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

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

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

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

(b) approve, deny, or modify the subcommittee's recommendations, which shall be submitted to the board before the board submits [~~its~~] budget recommendations under

Subsections [~~63C-9-301(1)(c) and (d)~~] 63O-2-301(1)(c) and (d); and

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

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

~~63C-9-402~~. 63O-2-402. Executive director -- Duties.

The executive director shall:

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

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

(3) prepare, and recommend for board approval, an annual budget and work plan, that is consistent with the master plan, for all work to be performed under this chapter, including usual operations and maintenance and janitorial and preventative maintenance for [~~the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents~~] capitol hill and the contents of capitol hill;

- 2809 (4) develop an operations, maintenance, and janitorial program for [~~the capitol hill~~
2810 ~~complex, capitol hill facilities, capitol hill grounds, and their contents~~] capitol hill and the
2811 contents of capitol hill;
- 2812 (5) develop a program to purchase or accept by donation, permanent loan, or outside
2813 funding items necessary to implement the master plan;
- 2814 (6) develop and maintain a registration system and inventory of the contents of [~~the~~
2815 capitol hill facilities and [~~capitol hill~~] grounds and of the original documents relating to the
2816 buildings' construction and alteration;
- 2817 (7) develop a program to purchase or accept by donation, permanent loan, or outside
2818 funding items of historical significance that were at one time in the capitol hill facilities and
2819 that are not owned by the state;
- 2820 (8) develop a program to locate and acquire state-owned items of historical
2821 significance that were at one time in the buildings;
- 2822 (9) develop a collections policy regarding the items of historic significance as
2823 identified in the registration system and inventory for the approval of the board;
- 2824 (10) assist in matters dealing with the preservation of historic materials;
- 2825 (11) make recommendations on conservation needs and make arrangements to contract
2826 for conservation services for objects of significance;
- 2827 (12) make recommendations for the transfer or loan of objects of significance as
2828 detailed in the approved collections policy;
- 2829 (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus
2830 property that is not of significance as defined in the collections policy and by the registration
2831 system;
- 2832 (14) approve all art and exhibits placed on capitol hill after board approval;
- 2833 (15) employ staff to assist [~~him~~] in administering this chapter and direct and coordinate
2834 [~~their~~] the staff's activities;
- 2835 (16) contract for professional services of qualified consultants, including architectural
2836 historians, landscape architects with experience in landscape architectural preservation,
2837 conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;
- 2838 (17) prepare annually a complete and detailed written report for the board that accounts
2839 for all funds received and disbursed by the board during the preceding fiscal year;

2840 (18) develop and manage a visitor services program for capitol hill which shall include
2841 public outreach programs, public tours, events, and communication and public relation
2842 services; and

2843 (19) subject to Section 63O-1-205, manage and organize all transit and parking
2844 programs on [the] capitol hill [~~complex, except that~~].

2845 [~~(a) the Legislative Management Committee shall direct the executive director's~~
2846 ~~management and organization of transit and parking associated with the legislative area as~~
2847 ~~defined in Section 36-5-1; and]~~

2848 [~~(b) the governor shall direct the executive director's management and organization of~~
2849 ~~transit and parking associated with the governor's area as defined in Section 67-1-16.~~]

2850 Section 49. Section **63O-2-403**, which is renumbered from Section 63C-9-403 is
2851 renumbered and amended to read:

2852 ~~[63C-9-403].~~ **63O-2-403. Contracting power of executive director --**
2853 **Health insurance coverage.**

2854 (1) As used in this section:

2855 (a) "Aggregate" means the sum of all contracts, change orders, and modifications
2856 related to a single project.

2857 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

2858 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
2859 "operative" who:

2860 (i) works at least 30 hours per calendar week; and

2861 (ii) meets employer eligibility waiting requirements for health care insurance, which
2862 may not exceed the first of the calendar month following 60 days after the day on which the
2863 individual is hired.

2864 (d) "Health benefit plan" means:

2865 (i) the same as that term is defined in Section 31A-1-301; or

2866 (ii) an employee welfare benefit plan:

2867 (A) established under the Employee Retirement Income Security Act of 1974, 29
2868 U.S.C. Sec. 1001 et seq.;

2869 (B) for an employer with 100 or more employees; and

2870 (C) in which the employer establishes a self-funded or partially self-funded group

2871 health plan to provide medical care for the employer's employees and dependents of the
2872 employees.

2873 (e) "Qualified health coverage" means the same as that term is defined in Section
2874 [26B-3-909](#).

2875 (f) "Subcontractor" means the same as that term is defined in Section [63A-5b-605](#).

2876 (g) "Third party administrator" or "administrator" means the same as that term is
2877 defined in Section [31A-1-301](#).

2878 (2) Except as provided in Subsection (3), the requirements of this section apply to:

2879 (a) a contractor of a design or construction contract entered into by the board, or on
2880 behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate amount
2881 equal to or greater than \$2,000,000; and

2882 (b) a subcontractor of a contractor of a design or construction contract entered into by
2883 the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in an
2884 aggregate amount equal to or greater than \$1,000,000.

2885 (3) The requirements of this section do not apply to a contractor or subcontractor
2886 described in Subsection (2) if:

2887 (a) the application of this section jeopardizes the receipt of federal funds;

2888 (b) the contract is a sole source contract; or

2889 (c) the contract is an emergency procurement.

2890 (4) A person that intentionally uses change orders, contract modifications, or multiple
2891 contracts to circumvent the requirements of this section is guilty of an infraction.

2892 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
2893 executive director that the contractor has and will maintain an offer of qualified health
2894 coverage for the contractor's employees and the employees' dependents during the duration of
2895 the contract by submitting to the executive director a written statement that:

2896 (i) the contractor offers qualified health coverage that complies with Section
2897 [26B-3-909](#);

2898 (ii) is from:

2899 (A) an actuary selected by the contractor or the contractor's insurer;

2900 (B) an underwriter who is responsible for developing the employer group's premium
2901 rates; or

2902 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
2903 an actuary or underwriter selected by a third party administrator; and

2904 (iii) was created within one year before the day on which the statement is submitted.

2905 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
2906 shall provide the actuary or underwriter selected by the administrator, as described in
2907 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
2908 contribution to the health benefit plan and the health benefit plan's actuarial value meets the
2909 requirements of qualified health coverage.

2910 (ii) A contractor may not make a change to the contractor's contribution to the health
2911 benefit plan, unless the contractor provides notice to:

2912 (A) the actuary or underwriter selected by the administrator, as described in Subsection
2913 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
2914 Subsection (5)(a) in compliance with this section; and

2915 (B) the executive director.

2916 (c) A contractor that is subject to the requirements of this section shall:

2917 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that
2918 is subject to the requirements of this section shall obtain and maintain an offer of qualified
2919 health coverage for the subcontractor's employees and the employees' dependents during the
2920 duration of the subcontract; and

2921 (ii) obtain from a subcontractor that is subject to the requirements of this section a
2922 written statement that:

2923 (A) the subcontractor offers qualified health coverage that complies with Section
2924 [26B-3-909](#);

2925 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an
2926 underwriter who is responsible for developing the employer group's premium rates, or if the
2927 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or
2928 underwriter selected by an administrator; and

2929 (C) was created within one year before the day on which the contractor obtains the
2930 statement.

2931 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage as
2932 described in Subsection (5)(a) during the duration of the contract is subject to penalties in

2933 accordance with administrative rules adopted by the division under Subsection (6).

2934 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain
2935 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

2936 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health
2937 coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to
2938 penalties in accordance with administrative rules adopted by the department under Subsection
2939 (6).

2940 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain
2941 an offer of qualified health coverage described in Subsection (5)(a).

2942 (6) The department shall [~~adopt administrative~~] make rules:

2943 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2944 (b) in coordination with:

2945 (i) the Department of Environmental Quality in accordance with Section 19-1-206;

2946 (ii) the Department of Natural Resources in accordance with Section 79-2-404;

2947 (iii) the Division of Facilities Construction and Management in accordance with
2948 Section 63A-5b-607;

2949 (iv) a public transit district in accordance with Section 17B-2a-818.5;

2950 (v) the Department of Transportation in accordance with Section 72-6-107.5; and

2951 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;
2952 and

2953 (c) that establish:

2954 (i) the requirements and procedures a contractor and a subcontractor shall follow to
2955 demonstrate compliance with this section, including:

2956 (A) that a contractor or subcontractor's compliance with this section is subject to an
2957 audit by the department or the Office of the Legislative Auditor General;

2958 (B) that a contractor that is subject to the requirements of this section shall obtain a
2959 written statement described in Subsection (5)(a); and

2960 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
2961 written statement described in Subsection (5)(c)(ii);

2962 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
2963 violates the provisions of this section, which may include:

- 2964 (A) a three-month suspension of the contractor or subcontractor from entering into
2965 future contracts with the state upon the first violation;
- 2966 (B) a six-month suspension of the contractor or subcontractor from entering into future
2967 contracts with the state upon the second violation;
- 2968 (C) an action for debarment of the contractor or subcontractor in accordance with
2969 Section [63G-6a-904](#) upon the third or subsequent violation; and
- 2970 (D) monetary penalties which may not exceed 50% of the amount necessary to
2971 purchase qualified health coverage for employees and dependents of employees of the
2972 contractor or subcontractor who were not offered qualified health coverage during the duration
2973 of the contract; and
- 2974 (iii) a website on which the department shall post the commercially equivalent
2975 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by
2976 the Department of Health and Human Services, in accordance with Subsection [26B-3-909\(2\)](#).
- 2977 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor
2978 or subcontractor who intentionally violates the provisions of this section is liable to the
2979 employee for health care costs that would have been covered by qualified health coverage.
- 2980 (ii) An employer has an affirmative defense to a cause of action under Subsection
2981 (7)(a)(i) if:
- 2982 (A) the employer relied in good faith on a written statement described in Subsection
2983 (5)(a) or (5)(c)(ii); or
- 2984 (B) the department determines that compliance with this section is not required under
2985 the provisions of Subsection (3).
- 2986 (b) An employee has a private right of action only against the employee's employer to
2987 enforce the provisions of this Subsection (7).
- 2988 (8) Any penalties imposed and collected under this section shall be deposited into the
2989 Medicaid Restricted Account created in Section [26B-1-309](#).
- 2990 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
2991 required by this section:
- 2992 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
2993 or contractor under:
- 2994 (i) Section [63G-6a-1602](#); or

2995 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
 2996 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
 2997 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
 2998 or construction.

2999 (10) An administrator, including the administrator's actuary or underwriter, who
 3000 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
 3001 coverage of a contractor or subcontractor who provides a health benefit plan described in
 3002 Subsection (1)(d)(ii):

3003 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,
 3004 unless the administrator commits gross negligence in preparing the written statement;

3005 (b) is not liable for any error in the written statement if the administrator relied in good
 3006 faith on information from the contractor or subcontractor; and

3007 (c) may require as a condition of providing the written statement that a contractor or
 3008 subcontractor hold the administrator harmless for an action arising under this section.

3009 Section 50. Section **63O-2-501**, which is renumbered from Section 63C-9-501 is
 3010 renumbered and amended to read:

3011 **Part 5. Fundraising and Donations**

3012 ~~[63C-9-501].~~ **63O-2-501. Soliciting donations.**

3013 (1) The executive director, under the direction of the board, shall:

3014 (a) develop plans and programs to solicit gifts, money, and items of value from private
 3015 persons, foundations, or organizations; and

3016 (b) actively solicit donations from those persons and entities.

3017 (2) (a) Property provided by those entities is the property of the state and is under the
 3018 control of the board.

3019 (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property
 3020 of persons having an office in a building on capitol hill.

3021 (3) The board:

3022 (a) shall deposit money donated to the board into the State Capitol Preservation Board
 3023 budget as expendable receipts;

3024 (b) shall use gifts of money made to the board for the purpose specified by the grantor,
 3025 if any; and

3026 (c) may return to the donor any gift or money donated to the board if a majority of the
3027 board determines that use of the gift or money is unfeasible, or will otherwise not be placed or
3028 used on capitol hill.

3029 Section 51. Section **63O-2-601**, which is renumbered from Section 63C-9-601 is
3030 renumbered and amended to read:

3031 **Part 6. Furnishings, Fixtures, and Other Items**

3032 ~~[63C-9-601]~~. **63O-2-601. Responsibility for items.**

3033 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board
3034 has responsibility under this chapter are not subject to the custody or control of the State
3035 Library Board, the State Library Division, the Division of Archives and Records Service, the
3036 Utah Historical Society, the Division of Arts and Museums, the arts collection committee of
3037 the State of Utah Alice Merrill Home Art Collection, or any other state agency.

3038 Section 52. Section **63O-2-602**, which is renumbered from Section 63C-9-602 is
3039 renumbered and amended to read:

3040 ~~[63C-9-602]~~. **63O-2-602. Transfer of certain historical items.**

3041 (1) (a) A state agency or other state entity that possesses a state-owned item identified
3042 by the executive director and the board as an item of historical significance that was at one time
3043 located in the capitol hill facilities shall transfer the item to the inventory of the board at the
3044 direction of the executive director not later than the 60th day after the date that the executive
3045 director notifies the agency or entity.

3046 (b) The state agency or other state entity shall subsequently transfer physical
3047 possession of the item to the board in accordance with policies and procedures established by
3048 the board.

3049 (2) This section does not apply to records or documents in the custody of the Division
3050 of Archives and Records Service.

3051 Section 53. Section **72-6-107.5** is amended to read:

3052 **72-6-107.5. Construction of improvements of highway -- Contracts -- Health**
3053 **insurance coverage.**

3054 (1) As used in this section:

3055 (a) "Aggregate" means the sum of all contracts, change orders, and modifications
3056 related to a single project.

3057 (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

3058 (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or
3059 "operative" who:

3060 (i) works at least 30 hours per calendar week; and

3061 (ii) meets employer eligibility waiting requirements for health care insurance, which
3062 may not exceed the first day of the calendar month following 60 days after the day on which
3063 the individual is hired.

3064 (d) "Health benefit plan" means:

3065 (i) the same as that term is defined in Section 31A-1-301; or

3066 (ii) an employee welfare benefit plan:

3067 (A) established under the Employee Retirement Income Security Act of 1974, 29
3068 U.S.C. Sec. 1001 et seq.;

3069 (B) for an employer with 100 or more employees; and

3070 (C) in which the employer establishes a self-funded or partially self-funded group
3071 health plan to provide medical care for the employer's employees and dependents of the
3072 employees.

3073 (e) "Qualified health coverage" means the same as that term is defined in Section
3074 26B-3-909.

3075 (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

3076 (g) "Third party administrator" or "administrator" means the same as that term is
3077 defined in Section 31A-1-301.

3078 (2) Except as provided in Subsection (3), the requirements of this section apply to:

3079 (a) a contractor of a design or construction contract entered into by the department on
3080 or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than
3081 \$2,000,000; and

3082 (b) a subcontractor of a contractor of a design or construction contract entered into by
3083 the department on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or
3084 greater than \$1,000,000.

3085 (3) The requirements of this section do not apply to a contractor or subcontractor
3086 described in Subsection (2) if:

3087 (a) the application of this section jeopardizes the receipt of federal funds;

3088 (b) the contract is a sole source contract; or
3089 (c) the contract is an emergency procurement.
3090 (4) A person that intentionally uses change orders, contract modifications, or multiple
3091 contracts to circumvent the requirements of this section is guilty of an infraction.
3092 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
3093 department that the contractor has and will maintain an offer of qualified health coverage for
3094 the contractor's employees and the employees' dependents during the duration of the contract
3095 by submitting to the department a written statement that:
3096 (i) the contractor offers qualified health coverage that complies with Section
3097 [26B-3-909](#);
3098 (ii) is from:
3099 (A) an actuary selected by the contractor or the contractor's insurer;
3100 (B) an underwriter who is responsible for developing the employer group's premium
3101 rates; or
3102 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
3103 an actuary or underwriter selected by a third party administrator; and
3104 (iii) was created within one year before the day on which the statement is submitted.
3105 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
3106 shall provide the actuary or underwriter selected by an administrator, as described in
3107 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
3108 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
3109 requirements of qualified health coverage.
3110 (ii) A contractor may not make a change to the contractor's contribution to the health
3111 benefit plan, unless the contractor provides notice to:
3112 (A) the actuary or underwriter selected by an administrator, as described in Subsection
3113 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
3114 Subsection (5)(a) in compliance with this section; and
3115 (B) the department.
3116 (c) A contractor that is subject to the requirements of this section shall:
3117 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that
3118 is subject to the requirements of this section shall obtain and maintain an offer of qualified

3119 health coverage for the subcontractor's employees and the employees' dependents during the
3120 duration of the subcontract; and

3121 (ii) obtain from a subcontractor that is subject to the requirements of this section a
3122 written statement that:

3123 (A) the subcontractor offers qualified health coverage that complies with Section
3124 [26B-3-909](#);

3125 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an
3126 underwriter who is responsible for developing the employer group's premium rates, or if the
3127 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or
3128 underwriter selected by an administrator; and

3129 (C) was created within one year before the day on which the contractor obtains the
3130 statement.

3131 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
3132 described in Subsection (5)(a) during the duration of the contract is subject to penalties in
3133 accordance with administrative rules adopted by the department under Subsection (6).

3134 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain
3135 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3136 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health
3137 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to
3138 penalties in accordance with administrative rules adopted by the department under Subsection
3139 (6).

3140 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain
3141 an offer of qualified health coverage described in Subsection (5)(a).

3142 (6) The department shall adopt administrative rules:

3143 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3144 (b) in coordination with:

3145 (i) the Department of Environmental Quality in accordance with Section [19-1-206](#);

3146 (ii) the Department of Natural Resources in accordance with Section [79-2-404](#);

3147 (iii) the Division of Facilities Construction and Management in accordance with
3148 Section [63A-5b-607](#);

3149 (iv) the State Capitol Preservation Board in accordance with Section [[63C-9-403](#)]

3150 [63O-2-403](#);

3151 (v) a public transit district in accordance with Section [17B-2a-818.5](#); and

3152 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

3153 and

3154 (c) that establish:

3155 (i) the requirements and procedures a contractor and a subcontractor shall follow to
3156 demonstrate compliance with this section, including:

3157 (A) that a contractor or subcontractor's compliance with this section is subject to an
3158 audit by the department or the Office of the Legislative Auditor General;

3159 (B) that a contractor that is subject to the requirements of this section shall obtain a
3160 written statement described in Subsection (5)(a); and

3161 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
3162 written statement described in Subsection (5)(c)(ii);

3163 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
3164 violates the provisions of this section, which may include:

3165 (A) a three-month suspension of the contractor or subcontractor from entering into
3166 future contracts with the state upon the first violation;

3167 (B) a six-month suspension of the contractor or subcontractor from entering into future
3168 contracts with the state upon the second violation;

3169 (C) an action for debarment of the contractor or subcontractor in accordance with
3170 Section [63G-6a-904](#) upon the third or subsequent violation; and

3171 (D) monetary penalties which may not exceed 50% of the amount necessary to
3172 purchase qualified health coverage for an employee and a dependent of the employee of the
3173 contractor or subcontractor who was not offered qualified health coverage during the duration
3174 of the contract; and

3175 (iii) a website on which the department shall post the commercially equivalent
3176 benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by
3177 the Department of Health and Human Services, in accordance with Subsection [26B-3-909\(2\)](#).

3178 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor
3179 or subcontractor who intentionally violates the provisions of this section is liable to the
3180 employee for health care costs that would have been covered by qualified health coverage.

3181 (ii) An employer has an affirmative defense to a cause of action under Subsection
3182 (7)(a)(i) if:

3183 (A) the employer relied in good faith on a written statement described in Subsection
3184 (5)(a) or (5)(c)(ii); or

3185 (B) the department determines that compliance with this section is not required under
3186 the provisions of Subsection (3).

3187 (b) An employee has a private right of action only against the employee's employer to
3188 enforce the provisions of this Subsection (7).

3189 (8) Any penalties imposed and collected under this section shall be deposited into the
3190 Medicaid Restricted Account created in Section [26B-1-309](#).

3191 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
3192 required by this section:

3193 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
3194 or contractor under:

3195 (i) Section [63G-6a-1602](#); or

3196 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3197 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
3198 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design
3199 or construction.

3200 (10) An administrator, including an administrator's actuary or underwriter, who
3201 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
3202 coverage of a contractor or subcontractor who provides a health benefit plan described in
3203 Subsection (1)(d)(ii):

3204 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,
3205 unless the administrator commits gross negligence in preparing the written statement;

3206 (b) is not liable for any error in the written statement if the administrator relied in good
3207 faith on information from the contractor or subcontractor; and

3208 (c) may require as a condition of providing the written statement that a contractor or
3209 subcontractor hold the administrator harmless for an action arising under this section.

3210 Section 54. Section [79-2-404](#) is amended to read:

3211 **79-2-404. Contracting powers of department -- Health insurance coverage.**

3212 (1) As used in this section:

3213 (a) "Aggregate" means the sum of all contracts, change orders, and modifications
3214 related to a single project.

3215 (b) "Change order" means the same as that term is defined in Section [63G-6a-103](#).

3216 (c) "Employee" means, as defined in Section [34A-2-104](#), an "employee," "worker," or
3217 "operative" who:

3218 (i) works at least 30 hours per calendar week; and

3219 (ii) meets employer eligibility waiting requirements for health care insurance, which
3220 may not exceed the first day of the calendar month following 60 days after the day on which
3221 the individual is hired.

3222 (d) "Health benefit plan" means:

3223 (i) the same as that term is defined in Section [31A-1-301](#); or

3224 (ii) an employee welfare benefit plan:

3225 (A) established under the Employee Retirement Income Security Act of 1974, 29
3226 U.S.C. Sec. 1001 et seq.;

3227 (B) for an employer with 100 or more employees; and

3228 (C) in which the employer establishes a self-funded or partially self-funded group
3229 health plan to provide medical care for the employer's employees and dependents of the
3230 employees.

3231 (e) "Qualified health coverage" means the same as that term is defined in Section
3232 [26B-3-909](#).

3233 (f) "Subcontractor" means the same as that term is defined in Section [63A-5b-605](#).

3234 (g) "Third party administrator" or "administrator" means the same as that term is
3235 defined in Section [31A-1-301](#).

3236 (2) Except as provided in Subsection (3), the requirements of this section apply to:

3237 (a) a contractor of a design or construction contract entered into by, or delegated to, the
3238 department or a division, board, or council of the department on or after July 1, 2009, if the
3239 prime contract is in an aggregate amount equal to or greater than \$2,000,000; and

3240 (b) a subcontractor of a contractor of a design or construction contract entered into by,
3241 or delegated to, the department or a division, board, or council of the department on or after
3242 July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.

- 3243 (3) This section does not apply to contracts entered into by the department or a
3244 division, board, or council of the department if:
- 3245 (a) the application of this section jeopardizes the receipt of federal funds;
 - 3246 (b) the contract or agreement is between:
 - 3247 (i) the department or a division, board, or council of the department; and
 - 3248 (ii) (A) another agency of the state;
 - 3249 (B) the federal government;
 - 3250 (C) another state;
 - 3251 (D) an interstate agency;
 - 3252 (E) a political subdivision of this state; or
 - 3253 (F) a political subdivision of another state; or
 - 3254 (c) the contract or agreement is:
 - 3255 (i) for the purpose of disbursing grants or loans authorized by statute;
 - 3256 (ii) a sole source contract; or
 - 3257 (iii) an emergency procurement.
 - 3258 (4) A person that intentionally uses change orders, contract modifications, or multiple
3259 contracts to circumvent the requirements of this section is guilty of an infraction.
 - 3260 (5) (a) A contractor subject to the requirements of this section shall demonstrate to the
3261 department that the contractor has and will maintain an offer of qualified health coverage for
3262 the contractor's employees and the employees' dependents during the duration of the contract
3263 by submitting to the department a written statement that:
 - 3264 (i) the contractor offers qualified health coverage that complies with Section
3265 [26B-3-909](#);
 - 3266 (ii) is from:
 - 3267 (A) an actuary selected by the contractor or the contractor's insurer;
 - 3268 (B) an underwriter who is responsible for developing the employer group's premium
3269 rates; or
 - 3270 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
3271 an actuary or underwriter selected by a third party administrator; and
 - 3272 (iii) was created within one year before the day on which the statement is submitted.
 - 3273 (b) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)

3274 shall provide the actuary or underwriter selected by an administrator, as described in
3275 Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's
3276 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the
3277 requirements of qualified health coverage.

3278 (ii) A contractor may not make a change to the contractor's contribution to the health
3279 benefit plan, unless the contractor provides notice to:

3280 (A) the actuary or underwriter selected by an administrator, as described in Subsection
3281 (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in
3282 Subsection (5)(a) in compliance with this section; and

3283 (B) the department.

3284 (c) A contractor that is subject to the requirements of this section shall:

3285 (i) place a requirement in each of the contractor's subcontracts that a subcontractor that
3286 is subject to the requirements of this section shall obtain and maintain an offer of qualified
3287 health coverage for the subcontractor's employees and the employees' dependents during the
3288 duration of the subcontract; and

3289 (ii) obtain from a subcontractor that is subject to the requirements of this section a
3290 written statement that:

3291 (A) the subcontractor offers qualified health coverage that complies with Section
3292 [26B-3-909](#);

3293 (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an
3294 underwriter who is responsible for developing the employer group's premium rates, or if the
3295 subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or
3296 underwriter selected by an administrator; and

3297 (C) was created within one year before the day on which the contractor obtains the
3298 statement.

3299 (d) (i) (A) A contractor that fails to maintain an offer of qualified health coverage
3300 described in Subsection (5)(a) during the duration of the contract is subject to penalties in
3301 accordance with administrative rules adopted by the department under Subsection (6).

3302 (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain
3303 and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).

3304 (ii) (A) A subcontractor that fails to obtain and maintain an offer of qualified health

3305 coverage described in Subsection (5)(c) during the duration of the subcontract is subject to
3306 penalties in accordance with administrative rules adopted by the department under Subsection
3307 (6).

3308 (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain
3309 an offer of qualified health coverage described in Subsection (5)(a).

3310 (6) The department shall adopt administrative rules:

3311 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3312 (b) in coordination with:

3313 (i) the Department of Environmental Quality in accordance with Section [19-1-206](#);

3314 (ii) a public transit district in accordance with Section [17B-2a-818.5](#);

3315 (iii) the Division of Facilities Construction and Management in accordance with
3316 Section [63A-5b-607](#);

3317 (iv) the State Capitol Preservation Board in accordance with Section [~~[63C-9-403](#)~~
3318 [63O-2-403](#)];

3319 (v) the Department of Transportation in accordance with Section [72-6-107.5](#); and

3320 (vi) the Legislature's Administrative Rules Review and General Oversight Committee;

3321 and

3322 (c) that establish:

3323 (i) the requirements and procedures a contractor and a subcontractor shall follow to
3324 demonstrate compliance with this section, including:

3325 (A) that a contractor or subcontractor's compliance with this section is subject to an
3326 audit by the department or the Office of the Legislative Auditor General;

3327 (B) that a contractor that is subject to the requirements of this section shall obtain a
3328 written statement described in Subsection (5)(a); and

3329 (C) that a subcontractor that is subject to the requirements of this section shall obtain a
3330 written statement described in Subsection (5)(c)(ii);

3331 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally
3332 violates the provisions of this section, which may include:

3333 (A) a three-month suspension of the contractor or subcontractor from entering into
3334 future contracts with the state upon the first violation;

3335 (B) a six-month suspension of the contractor or subcontractor from entering into future

3336 contracts with the state upon the second violation;

3337 (C) an action for debarment of the contractor or subcontractor in accordance with
3338 Section [63G-6a-904](#) upon the third or subsequent violation; and

3339 (D) monetary penalties which may not exceed 50% of the amount necessary to
3340 purchase qualified health coverage for an employee and a dependent of an employee of the
3341 contractor or subcontractor who was not offered qualified health coverage during the duration
3342 of the contract; and

3343 (iii) a website on which the department shall post the commercially equivalent
3344 benchmark, for the qualified health coverage identified in Subsection (1)(e), provided by the
3345 Department of Health and Human Services, in accordance with Subsection [26B-3-909](#)(2).

3346 (7) (a) (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor
3347 or subcontractor who intentionally violates the provisions of this section is liable to the
3348 employee for health care costs that would have been covered by qualified health coverage.

3349 (ii) An employer has an affirmative defense to a cause of action under Subsection
3350 (7)(a)(i) if:

3351 (A) the employer relied in good faith on a written statement described in Subsection
3352 (5)(a) or (5)(c)(ii); or

3353 (B) the department determines that compliance with this section is not required under
3354 the provisions of Subsection (3).

3355 (b) An employee has a private right of action only against the employee's employer to
3356 enforce the provisions of this Subsection (7).

3357 (8) Any penalties imposed and collected under this section shall be deposited into the
3358 Medicaid Restricted Account created in Section [26B-1-309](#).

3359 (9) The failure of a contractor or subcontractor to provide qualified health coverage as
3360 required by this section:

3361 (a) may not be the basis for a protest or other action from a prospective bidder, offeror,
3362 or contractor under:

3363 (i) Section [63G-6a-1602](#); or

3364 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

3365 (b) may not be used by the procurement entity or a prospective bidder, offeror, or
3366 contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design

3367 or construction.

3368 (10) An administrator, including an administrator's actuary or underwriter, who
3369 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health
3370 coverage of a contractor or subcontractor who provides a health benefit plan described in
3371 Subsection (1)(d)(ii):

3372 (a) subject to Subsection (10)(b), is not liable for an error in the written statement,
3373 unless the administrator commits gross negligence in preparing the written statement;

3374 (b) is not liable for any error in the written statement if the administrator relied in good
3375 faith on information from the contractor or subcontractor; and

3376 (c) may require as a condition of providing the written statement that a contractor or
3377 subcontractor hold the administrator harmless for an action arising under this section.

3378 Section 55. **Repealer.**

3379 This bill repeals:

3380 Section **36-2-1, Legislative in-session employees.**

3381 Section **36-5-1, Reservation of area for Legislature -- Duties of Legislative**
3382 **Management Committee.**

3383 Section **36-12-2, Standing committees.**

3384 Section **36-12-3, Interim committees -- Membership -- Purpose -- Meetings and**
3385 **rules.**

3386 Section **36-12-4, Interim committees of two houses -- Meeting jointly -- Joint rules**
3387 **-- Majority vote.**

3388 Section **36-12-5, Duties of interim committees.**

3389 Section **36-21-1, Definition -- Deadline for state governmental entities filing**
3390 **legislation -- Waiver.**

3391 Section **36-34-101, Statewide elected official summit.**

3392 Section **63C-9-101, Title.**

3393 Section **67-1-16, Reservation of area for governor.**

3394 Section 56. **Effective date.**

3395 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

3396 (2) The following sections take effect on July 1, 2024:

3397 (a) Section **63A-5b-303** (Effective 07/01/24); and

3398

(b) Section [63J-1-602.2](#) (Effective 07/01/24).