

**TITLE 36 RECODIFICATION AND REVISIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill recodifies and revises current provisions of Title 36, Legislature.

**Highlighted Provisions:**

This bill:

- ▶ recodifies and revises provisions of current Title 36, Legislature;
- ▶ transfers the responsibility for setting salary ranges and pay rates for full-time and part-time House and Senate employees;
- ▶ eliminates the House Management Committee and the Senate Management Committee;
- ▶ clarifies the scope of the Legislative Management Committee's powers;
- ▶ modifies statutes governing the legislative auditor to clarify powers and access to records;
- ▶ clarifies the responsibilities of the director of the Office of Legislative Research and General Counsel and the legislative general counsel;
- ▶ modifies certain requirements of the legislative fiscal analyst;
- ▶ eliminates obsolete or unused statutory provisions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **4-21-106**, as last amended by Laws of Utah 2021, Chapters 84 and 345

32 **9-7-203**, as last amended by Laws of Utah 2017, Chapter 48

33 **9-9-104.6**, as last amended by Laws of Utah 2021, Chapters 184 and 282

34 **11-13-316**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 7

35 **11-13-603**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 7

36 **20A-9-407**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

37 **20A-9-408**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

38 **20A-20-201**, as last amended by Laws of Utah 2021, Chapter 344

39 **26-7-2.5**, as last amended by Laws of Utah 2020, Chapter 236

40 **32B-2-211**, as enacted by Laws of Utah 2017, Chapter 455

41 **35A-14-202**, as enacted by Laws of Utah 2017, Chapter 375

42 **49-11-406**, as last amended by Laws of Utah 2021, Chapters 64, 282, 344, and 382

43 **51-10-201**, as enacted by Laws of Utah 2015, Chapter 319

44 **51-10-204**, as enacted by Laws of Utah 2015, Chapter 319

45 **52-4-103**, as last amended by Laws of Utah 2019, Chapters 25 and 246

46 **53-1-102**, as last amended by Laws of Utah 2021, Chapters 349 and 360

47 **53-3-109**, as last amended by Laws of Utah 2020, Chapter 428

48 **53-9-121**, as enacted by Laws of Utah 2013, First Special Session, Chapter 3

49 **53B-1-404**, as last amended by Laws of Utah 2020, Chapters 352, 373 and renumbered

50 and amended by Laws of Utah 2020, Chapter 365 and last amended by

51 Coordination Clause, Laws of Utah 2020, Chapters 352, and 373

52 **53B-7-708**, as enacted by Laws of Utah 2017, Chapter 365

53 **53E-3-202**, as last amended by Laws of Utah 2019, Chapter 186

54 **53F-5-601**, as last amended by Laws of Utah 2019, Chapters 186 and 246

55 **53F-5-604**, as last amended by Laws of Utah 2020, Chapter 269

56 **58-60-405**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

57 **59-1-403.1**, as last amended by Laws of Utah 2021, Chapters 367 and 382

58 **62A-4a-207**, as last amended by Laws of Utah 2021, Chapter 262

59           **63A-5b-1107**, as last amended by Laws of Utah 2020, Chapter 354 and renumbered and  
60 amended by Laws of Utah 2020, Chapter 152

61           **63A-14-202**, as last amended by Laws of Utah 2019, Chapter 363

62           **63A-15-201**, as last amended by Laws of Utah 2019, Chapter 363

63           **63A-17-301**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and  
64 amended by Laws of Utah 2021, Chapter 344

65           **63B-25-101**, as last amended by Laws of Utah 2020, Chapter 152

66           **63C-9-301**, as last amended by Laws of Utah 2021, Chapters 382 and 405

67           **63C-9-402**, as last amended by Laws of Utah 2015, Chapter 314

68           **63E-1-401**, as last amended by Laws of Utah 2019, Chapter 363

69           **63E-1-404**, as last amended by Laws of Utah 2019, Chapter 363

70           **63E-2-104**, as last amended by Laws of Utah 2003, Chapter 8

71           **63G-2-305**, as last amended by Laws of Utah 2021, Chapters 148, 179, 231, 353, 373,  
72 and 382

73           **63G-3-501**, as last amended by Laws of Utah 2021, Chapter 437

74           **63G-6a-107.8**, as enacted by Laws of Utah 2020, Chapter 257

75           **63G-6a-204**, as last amended by Laws of Utah 2020, Chapters 257 and 354

76           **63G-12-210**, as enacted by Laws of Utah 2011, Chapter 18

77           **63G-23-102**, as enacted by Laws of Utah 2018, Chapter 67

78           **63H-4-108**, as last amended by Laws of Utah 2021, Chapters 84 and 345

79           **63H-5-108**, as last amended by Laws of Utah 2021, Chapters 84 and 345

80           **63I-1-236**, as last amended by Laws of Utah 2021, Chapter 194

81           **63I-2-236**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 8

82           **63J-1-904**, as enacted by Laws of Utah 2021, Chapter 421

83           **67-1-16**, as enacted by Laws of Utah 2008, Chapter 10

84           **67-1b-102**, as enacted by Laws of Utah 2021, Chapter 394

85           **76-8-503**, as last amended by Laws of Utah 2014, Chapter 167

86 ENACTS:

87           **36-2a-104**, Utah Code Annotated 1953

88           **36-2a-301**, Utah Code Annotated 1953

89           **36-3a-402**, Utah Code Annotated 1953

- 90 **36-4a-101**, Utah Code Annotated 1953
- 91 **36-4a-102**, Utah Code Annotated 1953
- 92 **36-4a-103**, Utah Code Annotated 1953
- 93 **36-4a-302**, Utah Code Annotated 1953
- 94 **36-4a-303**, Utah Code Annotated 1953
- 95 **36-4a-305**, Utah Code Annotated 1953
- 96 **36-6a-101**, Utah Code Annotated 1953
- 97 **36-7a-101**, Utah Code Annotated 1953
- 98 **36-7a-302**, Utah Code Annotated 1953
- 99 **36-7a-303**, Utah Code Annotated 1953
- 100 **36-7a-304**, Utah Code Annotated 1953
- 101 **36-7a-402**, Utah Code Annotated 1953
- 102 **36-7a-403**, Utah Code Annotated 1953

103 **RENUMBERS AND AMENDS:**

- 104 **11-65-101**, (Renumbered from 36-11a-102, as enacted by Laws of Utah 2019, Chapter
- 105 363)
- 106 **11-65-201**, (Renumbered from 36-11a-201, as enacted by Laws of Utah 2019, Chapter
- 107 363)
- 108 **11-65-202**, (Renumbered from 36-11a-202, as enacted by Laws of Utah 2019, Chapter
- 109 363)
- 110 **11-65-203**, (Renumbered from 36-11a-203, as enacted by Laws of Utah 2019, Chapter
- 111 363)
- 112 **11-65-301**, (Renumbered from 36-11a-301, as enacted by Laws of Utah 2019, Chapter
- 113 363)
- 114 **11-65-302**, (Renumbered from 36-11a-302, as enacted by Laws of Utah 2019, Chapter
- 115 363)
- 116 **11-65-303**, (Renumbered from 36-11a-303, as enacted by Laws of Utah 2019, Chapter
- 117 363)
- 118 **36-1a-101**, (Renumbered from 36-1-101.1, as last amended by Laws of Utah 2021,
- 119 Second Special Session, Chapter 11)
- 120 **36-1a-102**, (Renumbered from 36-1-101.5, as last amended by Laws of Utah 2021,

121 Second Special Session, Chapter 11)  
122 **36-1a-103**, (Renumbered from 36-1-102, as last amended by Laws of Utah 2021,  
123 Second Special Session, Chapter 11)  
124 **36-1a-104**, (Renumbered from 36-1-103, as last amended by Laws of Utah 2021,  
125 Second Special Session, Chapter 11)  
126 **36-1a-105**, (Renumbered from 36-1-103.2, as last amended by Laws of Utah 2021,  
127 Second Special Session, Chapter 11)  
128 **36-1a-106**, (Renumbered from 36-1-104, as last amended by Laws of Utah 2021,  
129 Second Special Session, Chapter 11)  
130 **36-1a-107**, (Renumbered from 36-1-105, as last amended by Laws of Utah 2021,  
131 Second Special Session, Chapter 11)  
132 **36-1a-201**, (Renumbered from 36-1-201.1, as last amended by Laws of Utah 2021,  
133 Second Special Session, Chapter 5)  
134 **36-1a-202**, (Renumbered from 36-1-201.5, as last amended by Laws of Utah 2021,  
135 Second Special Session, Chapter 5)  
136 **36-1a-203**, (Renumbered from 36-1-202, as last amended by Laws of Utah 2021,  
137 Second Special Session, Chapter 5)  
138 **36-1a-204**, (Renumbered from 36-1-202.2, as last amended by Laws of Utah 2021,  
139 Second Special Session, Chapter 5)  
140 **36-1a-205**, (Renumbered from 36-1-203, as last amended by Laws of Utah 2021,  
141 Second Special Session, Chapter 5)  
142 **36-1A-206**, (Renumbered from 36-1-204, as last amended by Laws of Utah 2021,  
143 Second Special Session, Chapter 5)  
144 **36-2a-101**, (Renumbered from 36-3-201, as enacted by Laws of Utah 2020, Chapter  
145 383)  
146 **36-2a-102**, (Renumbered from 36-3-301, as renumbered and amended by Laws of Utah  
147 2020, Chapter 383)  
148 **36-2a-103**, (Renumbered from 36-3-306, as renumbered and amended by Laws of Utah  
149 2020, Chapter 383)  
150 **36-2a-105**, (Renumbered from 36-12-17, as last amended by Laws of Utah 1985,  
151 Chapter 47)

152           **36-2a-106**, (Renumbered from 36-12-21, as enacted by Laws of Utah 2019, Chapter  
153 246)  
154           **36-2a-107**, (Renumbered from 36-19-1, as enacted by Laws of Utah 1992, Chapter 100)  
155           **36-2a-108**, (Renumbered from 36-12-9.5, as enacted by Laws of Utah 2014, Chapter  
156 167)  
157           **36-2a-201**, (Renumbered from 36-27-102, as enacted by Laws of Utah 2011, Chapter  
158 390)  
159           **36-2a-202**, (Renumbered from 36-27-103, as enacted by Laws of Utah 2011, Chapter  
160 390)  
161           **36-2a-203**, (Renumbered from 36-27-104, as enacted by Laws of Utah 2011, Chapter  
162 390)  
163           **36-2a-302**, (Renumbered from 36-2-4, as last amended by Laws of Utah 2021, Chapter  
164 382)  
165           **36-2a-303**, (Renumbered from 36-2-5, as last amended by Laws of Utah 2010, Chapter  
166 133)  
167           **36-2a-304**, (Renumbered from 36-2-3, as last amended by Laws of Utah 2016, Chapter  
168 61)  
169           **36-2a-401**, (Renumbered from 36-5-1, as last amended by Laws of Utah 2015, Chapter  
170 314)  
171           **36-2a-501**, (Renumbered from 36-12-19, as last amended by Laws of Utah 1989,  
172 Chapter 174)  
173           **36-3a-101**, (Renumbered from 36-12-1, as last amended by Laws of Utah 2000,  
174 Chapter 104)  
175           **36-3a-102**, (Renumbered from 36-12-3, as last amended by Laws of Utah 2002,  
176 Chapter 39)  
177           **36-3a-201**, (Renumbered from 36-12-6, as last amended by Laws of Utah 2016,  
178 Chapter 403)  
179           **36-3a-202**, (Renumbered from 36-12-7, as last amended by Laws of Utah 2020,  
180 Chapter 343)  
181           **36-3a-301**, (Renumbered from 36-12-8, as last amended by Laws of Utah 2016,  
182 Chapter 403)

183           **36-3a-401**, (Renumbered from 36-12-10, as last amended by Laws of Utah 2006,  
184 Chapter 14)  
185           **36-3a-501**, (Renumbered from 36-12-11, as last amended by Laws of Utah 1989,  
186 Chapter 174)  
187           **36-3a-502**, (Renumbered from 36-12-9, as last amended by Laws of Utah 2013, First  
188 Special Session, Chapter 1)  
189           **36-4a-201**, (Renumbered from 36-12-13, as last amended by Laws of Utah 2021,  
190 Chapters 254 and 421)  
191           **36-4a-301**, (Renumbered from 36-12-15, as last amended by Laws of Utah 2021,  
192 Chapter 421)  
193           **36-4a-304**, (Renumbered from 36-12-15.1, as last amended by Laws of Utah 2021,  
194 Chapter 331)  
195           **36-5a-101**, (Renumbered from 36-14-1, as last amended by Laws of Utah 2013, First  
196 Special Session, Chapter 1)  
197           **36-5a-201**, (Renumbered from 36-14-2, as last amended by Laws of Utah 2014,  
198 Chapter 339)  
199           **36-5a-202**, (Renumbered from 36-14-3, as last amended by Laws of Utah 2013, First  
200 Special Session, Chapter 1)  
201           **36-5a-301**, (Renumbered from 36-14-4, as enacted by Laws of Utah 1989, Chapter 174)  
202           **36-5a-401**, (Renumbered from 36-14-5, as last amended by Laws of Utah 2013, First  
203 Special Session, Chapter 1)  
204           **36-5a-402**, (Renumbered from 36-14-6, as enacted by Laws of Utah 1989, Chapter 174)  
205           **36-6a-201**, (Renumbered from 36-17-1, as last amended by Laws of Utah 1994,  
206 Chapter 212)  
207           **36-6a-202**, (Renumbered from 36-17-2, as enacted by Laws of Utah 1991, Chapter 164)  
208           **36-6a-301**, (Renumbered from 36-32-102, as enacted by Laws of Utah 2020, Chapter  
209 154)  
210           **36-6a-302**, (Renumbered from 36-32-201, as enacted by Laws of Utah 2020, Chapter  
211 154)  
212           **36-6a-303**, (Renumbered from 36-32-202, as enacted by Laws of Utah 2020, Chapter  
213 154)

214           **36-6a-304**, (Renumbered from 36-32-203, as enacted by Laws of Utah 2020, Chapter  
215 154)  
216           **36-6a-305**, (Renumbered from 36-32-204, as enacted by Laws of Utah 2020, Chapter  
217 154)  
218           **36-6a-306**, (Renumbered from 36-32-205, as enacted by Laws of Utah 2020, Chapter  
219 154)  
220           **36-6a-307**, (Renumbered from 36-32-206, as enacted by Laws of Utah 2020, Chapter  
221 154)  
222           **36-6a-308**, (Renumbered from 36-32-207, as enacted by Laws of Utah 2020, Chapter  
223 154)  
224           **36-6a-401**, (Renumbered from 36-23-101.5, as last amended by Laws of Utah 2019,  
225 Chapter 276)  
226           **36-6a-402**, (Renumbered from 36-23-102, as last amended by Coordination Clause,  
227 Laws of Utah 2018, Chapter 307)  
228           **36-6a-403**, (Renumbered from 36-23-103, as last amended by Laws of Utah 2013,  
229 Chapter 323)  
230           **36-6a-404**, (Renumbered from 36-23-104, as last amended by Laws of Utah 2014,  
231 Chapter 387)  
232           **36-6a-405**, (Renumbered from 36-23-105, as last amended by Coordination Clause,  
233 Laws of Utah 2018, Chapter 307)  
234           **36-6a-406**, (Renumbered from 36-23-106, as last amended by Laws of Utah 2018,  
235 Chapter 281 and last amended by Coordination Clause, Laws of Utah 2018, Chapter  
236 307)  
237           **36-6a-407**, (Renumbered from 36-23-107, as last amended by Coordination Clause,  
238 Laws of Utah 2018, Chapter 307)  
239           **36-6a-408**, (Renumbered from 36-23-108, as enacted by Laws of Utah 1999, Chapter  
240 152)  
241           **36-6a-409**, (Renumbered from 36-23-109, as last amended by Coordination Clause,  
242 Laws of Utah 2018, Chapter 307)  
243           **36-6a-501**, (Renumbered from 36-22-1, as last amended by Laws of Utah 2020,  
244 Chapter 232)



245           **36-6a-502**, (Renumbered from 36-22-2, as last amended by Laws of Utah 2018,  
246 Chapter 415)  
247           **36-6a-503**, (Renumbered from 36-22-3, as enacted by Laws of Utah 1995, Chapter 143)  
248           **36-7a-201**, (Renumbered from 36-28-102, as last amended by Laws of Utah 2021,  
249 Chapter 78)  
250           **36-7a-202**, (Renumbered from 36-28-103, as enacted by Laws of Utah 2014, Chapter  
251 150)  
252           **36-7a-203**, (Renumbered from 36-28-104, as enacted by Laws of Utah 2014, Chapter  
253 150)  
254           **36-7a-301**, (Renumbered from 36-29-108, as enacted by Laws of Utah 2021, Chapter  
255 194)  
256           **36-7a-401**, (Renumbered from 36-29-107.5, as enacted by Laws of Utah 2021, Chapter  
257 250)  
258           **36-7a-501**, (Renumbered from 36-29-201, as enacted by Laws of Utah 2021, Chapter  
259 205)  
260           **36-7a-502**, (Renumbered from 36-29-202, as last amended by Laws of Utah 2021,  
261 Second Special Session, Chapter 8)  
262           **36-7a-503**, (Renumbered from 36-29-203, as last amended by Laws of Utah 2021,  
263 Second Special Session, Chapter 8)  
264           **36-7a-601**, (Renumbered from 36-12-20, as last amended by Laws of Utah 2018,  
265 Chapter 33)  
266           **67-1c-101**, (Renumbered from 36-11-102, as last amended by Laws of Utah 2021,  
267 Chapter 20)  
268           **67-1c-102**, (Renumbered from 36-11-103, as last amended by Laws of Utah 2020,  
269 Chapters 22 and 394)  
270           **67-1c-103**, (Renumbered from 36-11-106, as last amended by Laws of Utah 2019,  
271 Chapter 339)  
272           **67-1c-201**, (Renumbered from 36-11-201, as last amended by Laws of Utah 2015,  
273 Chapter 296)  
274           **67-1c-301**, (Renumbered from 36-11-301, as enacted by Laws of Utah 1991, Chapter  
275 280)

276 **67-1c-302**, (Renumbered from 36-11-302, as enacted by Laws of Utah 1991, Chapter  
277 280)

278 **67-1c-303**, (Renumbered from 36-11-303, as enacted by Laws of Utah 1991, Chapter  
279 280)

280 **67-1c-304**, (Renumbered from 36-11-304, as last amended by Laws of Utah 2015,  
281 Chapters 32 and 188)

282 **67-1c-305**, (Renumbered from 36-11-304.5, as enacted by Laws of Utah 2015, Chapter  
283 264)

284 **67-1c-306**, (Renumbered from 36-11-305, as last amended by Laws of Utah 2018,  
285 Chapter 139)

286 **67-1c-307**, (Renumbered from 36-11-305.5, as enacted by Laws of Utah 2014, Chapter  
287 335)

288 **67-1c-308**, (Renumbered from 36-11-306, as enacted by Laws of Utah 2007, Chapter  
289 233)

290 **67-1c-309**, (Renumbered from 36-11-307, as last amended by Laws of Utah 2021,  
291 Chapter 344)

292 **67-1c-401**, (Renumbered from 36-11-501, as enacted by Laws of Utah 2019, Chapter  
293 339)

294 **67-1c-501**, (Renumbered from 36-11-401, as last amended by Laws of Utah 2020,  
295 Chapter 394)

296 **67-1c-502**, (Renumbered from 36-11-403, as enacted by Laws of Utah 1991, Chapter  
297 280)

298 **67-1c-503**, (Renumbered from 36-11-404, as last amended by Laws of Utah 2019,  
299 Chapter 339)

300 **67-1c-504**, (Renumbered from 36-11-405, as enacted by Laws of Utah 1991, Chapter  
301 280)

302 REPEALS:

303 **36-2-1**, as last amended by Laws of Utah 2015, Chapter 71

304 **36-2-2**, as last amended by Laws of Utah 2010, Chapter 133

305 **36-11-101**, as enacted by Laws of Utah 1991, Chapter 280

306 **36-11a-101**, as enacted by Laws of Utah 2019, Chapter 363

- 307            **36-12-2**, as last amended by Laws of Utah 1998, Chapter 226
- 308            **36-12-4**, as last amended by Laws of Utah 1988, Chapter 6
- 309            **36-12-5**, as last amended by Laws of Utah 2013, Chapter 177
- 310            **36-12-8.1**, as last amended by Laws of Utah 2018, Chapter 254
- 311            **36-12-12**, as last amended by Laws of Utah 2003, Chapter 92
- 312            **36-12-16**, as enacted by Laws of Utah 1975, Chapter 109
- 313            **36-12-18**, as last amended by Laws of Utah 2007, Chapter 121
- 314            **36-12-22**, as last amended by Laws of Utah 2020, Chapter 154
- 315            **36-13-1**, as last amended by Laws of Utah 1987, Chapter 130
- 316            **36-21-1**, as last amended by Laws of Utah 2020, Chapter 365
- 317            **36-23-101**, as enacted by Laws of Utah 1999, Chapter 152
- 318            **36-27-101**, as enacted by Laws of Utah 2011, Chapter 390
- 319            **36-28-101**, as last amended by Laws of Utah 2018, Chapter 39
- 320            **36-29-101**, as last amended by Laws of Utah 2021, Chapter 205
- 321            **36-32-101**, as enacted by Laws of Utah 2020, Chapter 154

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

324            Section 1. Section **4-21-106** is amended to read:

325            **4-21-106. Exemption from certain operational requirements.**

326            (1) The council is exempt from:

- 327            (a) Title 51, Chapter 5, Funds Consolidation Act;
- 328            (b) Title 63A, Utah Government Operations Code;
- 329            (c) Title 63G, Chapter 6a, Utah Procurement Code, but the council shall adopt

330 procedures to ensure that the council makes purchases:

331            (i) in a manner that provides for fair competition between providers; and

332            (ii) at competitive prices;

333            (d) Title 63J, Chapter 1, Budgetary Procedures Act; and

334            (e) Title 63A, Chapter 17, Utah State Personnel Management Act.

335            (2) The council is subject to:

336            (a) Title 51, Chapter 7, State Money Management Act;

337            (b) Title 52, Chapter 4, Open and Public Meetings Act;

- 338 (c) Section [67-3-12](#);
- 339 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
- 340 (e) other Utah Code provisions not specifically exempted under Subsection
- 341 [4-21-106](#)(1); and
- 342 (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 343 legislative auditor pursuant to Section [~~36-12-15~~] [36-4a-301](#).

344 Section 2. Section **9-7-203** is amended to read:

345 **9-7-203. Division duties.**

346 The division shall:

- 347 (1) establish, operate, and maintain a state publications collection, a digital library of
- 348 state publications, a bibliographic control system, and depositories as provided in this part;
- 349 (2) cooperate with:
  - 350 (a) other agencies to facilitate public access to government information through
  - 351 electronic networks or other means;
  - 352 (b) other state or national libraries or library agencies; and
  - 353 (c) the federal government or agencies in accepting federal aid whether in the form of
  - 354 funds or otherwise;
  - 355 (3) receive bequests, gifts, and endowments of money and deposit the funds with the
  - 356 state treasurer to be placed in the State Library Donation Fund, which funds shall be held for
  - 357 the purpose, if any, specifically directed by the donor; [~~and~~]
  - 358 (4) receive bequests, gifts, and endowments of property to be held, used, or disposed
  - 359 of, as directed by the donor, with the approval of the Division of Finance; and
  - 360 (5) ensure that the facilities of the state library and other libraries maintained by the
  - 361 state are available for use by legislators and legislative staff.

362 Section 3. Section **9-9-104.6** is amended to read:

363 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

364 **Contact information.**

- 365 (1) For at least three of the joint meetings described in Subsection [9-9-104.5](#)(2)(a), the
- 366 division shall coordinate with representatives of tribal governments and the entities listed in
- 367 Subsection (2) to provide for the broadest participation possible in the joint meetings.
- 368 (2) The following may participate in all meetings described in Subsection (1):

- 369 (a) the chairs of the Native American Legislative Liaison Committee created in Section  
370 ~~[36-22-1]~~ [36-6a-501](#);
- 371 (b) the governor or the governor's designee;
- 372 (c) the American Indian-Alaska Native Health Liaison appointed in accordance with  
373 Section [26-7-2.5](#);
- 374 (d) the American Indian-Alaska Native Public Education Liaison appointed in  
375 accordance with Section [53F-5-604](#); and
- 376 (e) a representative appointed by the chief administrative officer of the following:
- 377 (i) the Department of Human Services;
- 378 (ii) the Department of Natural Resources;
- 379 (iii) the Department of Workforce Services;
- 380 (iv) the Governor's Office of Economic Opportunity;
- 381 (v) the State Board of Education; and
- 382 (vi) the Utah Board of Higher Education.
- 383 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:
- 384 (i) designate the name of a contact person for that agency that can assist in coordinating  
385 the efforts of state and tribal governments in meeting the needs of the Native Americans  
386 residing in the state; and
- 387 (ii) notify the division:
- 388 (A) who is the designated contact person described in Subsection (3)(a)(i); and
- 389 (B) of any change in who is the designated contact person described in Subsection  
390 (3)(a)(i).
- 391 (b) This Subsection (3) applies to:
- 392 (i) the Department of Agriculture and Food;
- 393 (ii) the Department of Cultural and Community Engagement;
- 394 (iii) the Department of Corrections;
- 395 (iv) the Department of Environmental Quality;
- 396 (v) the Department of Public Safety;
- 397 (vi) the Department of Transportation;
- 398 (vii) the Office of the Attorney General;
- 399 (viii) the State Tax Commission; and

400 (ix) any agency described in Subsections (2)(c) through (e).

401 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
402 participate in a meeting described in Subsection (1).

403 (4) (a) A participant under this section who is not a legislator may not receive  
404 compensation or benefits for the participant's service, but may receive per diem and travel  
405 expenses as allowed in:

406 (i) Section [63A-3-106](#);

407 (ii) Section [63A-3-107](#); and

408 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
409 [63A-3-107](#).

410 (b) Compensation and expenses of a participant who is a legislator are governed by  
411 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

412 Section 4. Section **11-13-316** is amended to read:

413 **11-13-316. Project entity oversight.**

414 (1) Notwithstanding any other provision of law, a project entity is a political  
415 subdivision that:

416 (a) pursuant to Utah Constitution, Article VI, Section 33, is subject to the authority of  
417 the legislative auditor to conduct audits of any funds, functions, and accounts in any political  
418 subdivision of this state; and

419 (b) is subject to the requirement to provide the Office of the Legislative Auditor  
420 General with all records, documents, and reports necessary for the legislative auditor general or  
421 the office to fulfill the duties described in Subsection (1)(a).

422 (2) Subsection (1) takes precedence over Section [~~36-12-15~~] [36-4a-301](#).

423 Section 5. Section **11-13-603** is amended to read:

424 **11-13-603. Taxed interlocal entity.**

425 (1) Except for purposes of an audit, examination, or review by the Office of the  
426 Legislative Auditor General as described in Subsection (8) and notwithstanding any other  
427 provision of law:

428 (a) the use of an asset by a taxed interlocal entity does not constitute the use of a public  
429 asset;

430 (b) a taxed interlocal entity's use of an asset that was a public asset before the taxed

431 interlocal entity's use of the asset does not constitute a taxed interlocal entity's use of a public  
432 asset;

433 (c) an official of a project entity is not a public treasurer; and

434 (d) a taxed interlocal entity's governing board shall determine and direct the use of an  
435 asset by the taxed interlocal entity.

436 (2) A taxed interlocal entity is not subject to the provisions of Title 63G, Chapter 6a,  
437 Utah Procurement Code.

438 (3) (a) A taxed interlocal entity is not a participating local entity as defined in Section  
439 [67-3-12](#).

440 (b) For each fiscal year of a taxed interlocal entity, the taxed interlocal entity shall  
441 provide:

442 (i) the taxed interlocal entity's financial statements for and as of the end of the fiscal  
443 year and the prior fiscal year, including:

444 (A) the taxed interlocal entity's statement of net position as of the end of the fiscal year  
445 and the prior fiscal year, and the related statements of revenues and expenses and of cash flows  
446 for the fiscal year; or

447 (B) financial statements that are equivalent to the financial statements described in  
448 Subsection (3)(b)(i)(A) and, at the time the financial statements were created, were in  
449 compliance with generally accepted accounting principles that are applicable to taxed interlocal  
450 entities; and

451 (ii) the accompanying auditor's report and management's discussion and analysis with  
452 respect to the taxed interlocal entity's financial statements for and as of the end of the fiscal  
453 year.

454 (c) The taxed interlocal entity shall provide the information described in Subsection  
455 (3)(b) within a reasonable time after the taxed interlocal entity's independent auditor delivers to  
456 the taxed interlocal entity's governing board the auditor's report with respect to the financial  
457 statements for and as of the end of the fiscal year.

458 (d) Notwithstanding Subsections (3)(b) and (c) or a taxed interlocal entity's compliance  
459 with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:

460 (i) the taxed interlocal entity is not subject to Title 63A, Chapter 3, Division of  
461 Finance; and

462 (ii) the information described in Subsection (3)(b)(i) or (ii) does not constitute public  
463 financial information as defined in Section 67-3-12.

464 (4) (a) A taxed interlocal entity's governing board is not a governing board as defined  
465 in Section 51-2a-102.

466 (b) A taxed interlocal entity is not subject to the provisions of Title 51, Chapter 2a,  
467 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
468 Entities Act.

469 (5) Notwithstanding any other provision of law, a taxed interlocal entity is not subject  
470 to the following provisions:

- 471 (a) Part 4, Governance;
- 472 (b) Part 5, Fiscal Procedures for Interlocal Entities;
- 473 (c) Subsection 11-13-204(1)(a)(i) or (ii)(J);
- 474 (d) Subsection 11-13-206(1)(f);
- 475 (e) Subsection 11-13-218(5)(a);
- 476 (f) Section 11-13-225;
- 477 (g) Section 11-13-226; or
- 478 (h) Section 53-2a-605.

479 (6) (a) In addition to having the powers described in Subsection 11-13-204(1)(a)(ii), a  
480 taxed interlocal entity may, for the regulation of the entity's affairs and conduct of its business,  
481 adopt, amend, or repeal bylaws, policies, or procedures.

482 (b) Nothing in Part 4, Governance, or Part 5, Fiscal Procedures for Interlocal Entities,  
483 may be construed to limit the power or authority of a taxed interlocal entity.

484 (7) (a) A governmental law enacted after May 12, 2015, and on or before November  
485 10, 2021, is not applicable to, is not binding upon, and does not have effect on a taxed  
486 interlocal entity that is a project entity unless the governmental law expressly states the section  
487 of governmental law to be applicable to and binding upon the taxed interlocal entity with the  
488 following words: "[Applicable section or subsection number] constitutes an exception to  
489 Subsection 11-13-603(7)(a) and is applicable to and binding upon a taxed interlocal entity."

490 (b) A governmental law enacted after May 12, 2015, is not applicable to, is not binding  
491 upon, and does not have effect on a taxed interlocal entity that is an energy services interlocal  
492 entity unless the governmental law expressly states the section of governmental law to be



493 applicable to and binding upon the energy services interlocal entity with the following words:

494 "[Applicable section or subsection number] constitutes an exception to Subsection  
495 11-13-603(7)(a) and is applicable to and binding upon an energy services interlocal entity."

496 (c) Sections 11-13-601 through 11-13-608 constitute an exception to Subsections (7)(a)  
497 and (7)(b) and are applicable to and binding upon a taxed interlocal entity.

498 (8) (a) Notwithstanding any other provision of law, a taxed interlocal entity that is a  
499 project entity is a political subdivision that:

500 (i) pursuant to Utah Constitution, Article VI, Section 33, is subject to the authority of  
501 the legislative auditor to conduct audits of any funds, functions, and accounts in any political  
502 subdivision of this state; and

503 (ii) is subject to the requirement to provide the Office of the Legislative Auditor  
504 General with all records, documents, and reports necessary of the legislative auditor general or  
505 the office to fulfill the duties described in Subsection (8)(a)(i).

506 (b) Subsection (8)(a) takes precedence over Section [~~36-12-15~~] 36-4a-301.

507 Section 6. Section **11-65-101**, which is renumbered from Section 36-11a-102 is  
508 renumbered and amended to read:

509 **CHAPTER 65. LOCAL GOVERNMENT AND BOARD OF EDUCATION LOBBYIST**  
510 **DISCLOSURE AND REGULATION ACT**

511 **Part 1. General Provisions**

512 [~~36-11a-102~~]. **11-65-101. Definitions.**

513 As used in this chapter:

514 (1) "Aggregate daily expenditures" means:

515 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
516 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
517 an individual local official or education official;

518 (b) for an expenditure made by a member of a lobbyist group, the total of all  
519 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
520 of an individual local official or education official; or

521 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient  
522 lobbyist within a calendar day for the benefit of an individual local official or education  
523 official, regardless of whether the expenditures were attributed to different clients.

524 (2) "Board of education" means:  
525 (a) a local school board described in Title 53G, Chapter 4, School Districts;  
526 (b) the State Board of Education;  
527 (c) the State Charter School Board created under Section 53G-5-201; or  
528 (d) a charter school governing board described in Title 53G, Chapter 5, Charter  
529 Schools.

530 (3) (a) "Compensation" means anything of economic value, however designated, that is  
531 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
532 services or ownership before any withholding required by federal or state law.

533 (b) "Compensation" includes:  
534 (i) a salary or commission;  
535 (ii) a bonus;  
536 (iii) a benefit;  
537 (iv) a contribution to a retirement program or account;  
538 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue  
539 Code, and subject to social security deductions, including a payment in excess of the maximum  
540 amount subject to deduction under social security law;  
541 (vi) an amount that the individual authorizes to be deducted or reduced for salary  
542 deferral or other benefits authorized by federal law; or  
543 (vii) income based on an individual's ownership interest.

544 (4) "Compensation payor" means a person who pays compensation to a local official or  
545 education official in the ordinary course of business:

546 (a) because of the local official's or education official's ownership interest in the  
547 compensation payor; or  
548 (b) for services rendered by the local official or education official on behalf of the  
549 compensation payor.

550 (5) "Education action" means:  
551 (a) a resolution, policy, or other official action for consideration by a board of  
552 education;  
553 (b) a nomination or appointment by an education official or a board of education;  
554 (c) an administrative action taken by a vote of a board of education;

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

557 (e) a purchasing or contracting decision;

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

559 (g) determining a rate or fee; or

560 (h) making an adjudicative decision.

561 (6) "Education official" means:

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

563 (b) an individual appointed to or employed in a position under a board of education if  
564 that individual:

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

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

567 (iii) determines rates or fees; or

568 (iv) makes adjudicative decisions; or

569 (c) an immediate family member of an individual described in Subsection (6)(a) or (b).

570 (7) "Event" means entertainment, a performance, a contest, or a recreational activity  
571 that an individual participates in or is a spectator at, including a sporting event, an artistic  
572 event, a play, a movie, dancing, or singing.

573 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when  
574 given to or for the benefit of a local official or education official unless consideration of equal  
575 or greater value is received:

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

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

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

579 (iv) services or goods;

580 (v) money;

581 (vi) real property;

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

583 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
584 any item listed in Subsections (8)(a)(i) through (vii).

585 (b) "Expenditure" does not mean:

- 586 (i) a commercially reasonable loan made in the ordinary course of business;
- 587 (ii) a campaign contribution:
  - 588 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
  - 589 Reporting Requirements, Section 10-3-208 or Section 17-16-6.5, or an applicable ordinance
  - 590 described in Subsection 10-3-208~~(5)~~(6) or Subsection 17-16-6.5(1); or
  - 591 (B) lawfully given to a person that is not required to report the contribution under a law
  - 592 or ordinance described in Subsection (8)(b)(ii)(A);
- 593 (iii) printed informational material that is related to the performance of the recipient's
- 594 official duties;
- 595 (iv) a devise or inheritance;
- 596 (v) any item listed in Subsection (8)(a) if:
  - 597 (A) given by a relative;
  - 598 (B) given by a compensation payor for a purpose solely unrelated to the local official's
  - 599 or education official's position as a local official or education official;
  - 600 (C) the item is food or beverage with a value that does not exceed the food
  - 601 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
  - 602 the food reimbursement rate; or
  - 603 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
  - 604 daily expenditures do not exceed \$10;
- 605 (vi) food or beverage that is provided at an event, a tour, or a meeting to a local official
- 606 or education official who is:
  - 607 (A) giving a speech at the event, tour, or meeting;
  - 608 (B) participating in a panel discussion at the event, tour, or meeting; or
  - 609 (C) presenting or receiving an award at the event, tour, or meeting;
- 610 (vii) a plaque, commendation, or award that:
  - 611 (A) is presented in public; and
  - 612 (B) has the name of the individual receiving the plaque, commendation, or award
  - 613 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
  - 614 award;
- 615 (viii) a publication having a cash value not exceeding \$30;
- 616 (ix) admission to or attendance at an event, a tour, or a meeting, the primary purpose of

617 which is:

618 (A) to solicit a contribution that is reportable under 2 U.S.C. Sec. 434, Title 20A,  
619 Chapter 11, Campaign and Financial Reporting Requirements, Section 10-3-208 or Section  
620 17-16-6.5, or an applicable ordinance described in Subsection 10-3-208~~(5)~~(6) or Subsection  
621 17-16-6.5(1);

622 (B) to solicit a campaign contribution that a person is not required to report under a law  
623 or ordinance described in Subsection (8)(b)(ix)(A); or

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

625 (x) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or  
626 from an event, a tour, or a meeting for a local official or education official:

627 (A) that is sponsored by a governmental entity, a public school, a charter school, or an  
628 organization that represents only local governmental entities, public schools, or charter schools,  
629 including the Utah Association of Counties, the Utah League of Cities and Towns, the Utah  
630 Association of Special Districts, the Utah Association of Public Charter Schools, the Utah  
631 School Boards Association, or the Utah School Superintendents Association; or

632 (B) that is widely attended and related to a governmental duty of the local official or  
633 education official; or

634 (xi) travel to a widely attended tour or meeting related to a governmental duty of a  
635 local official or education official if that travel results in a financial savings to the local  
636 government or board of education to which the local official or education official belongs.

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

640 (10) (a) "Government officer" means:

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

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

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

647 (iv) an individual appointed to or employed in a full-time position by state government,

648 local government, or board of education, when acting in the capacity of the individual's  
649 appointment or employment.

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

652 (11) "Immediate family" means:

653 (a) a spouse;

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

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

656 (12) "Lobbying" means communicating with a local official or education official for  
657 the purpose of influencing a local action or education action.

658 (13) (a) "Lobbyist" means:

659 (i) an individual who is employed by a principal; or

660 (ii) an individual who contracts for economic consideration, other than reimbursement  
661 for reasonable travel expenses, with a principal to lobby a local official or education official.

662 (b) "Lobbyist" does not include:

663 (i) a government officer;

664 (ii) a member or employee of the legislative branch of state government;

665 (iii) a person participating on or appearing before an advisory or study task force,  
666 commission, board, or committee, constituted by a local government or board of education;

667 (iv) a representative of a political party;

668 (v) an individual representing a bona fide church solely for the purpose of protecting  
669 the right to practice the religious doctrines of the church, unless the individual or church makes  
670 an expenditure that confers a benefit on a local official or education official;

671 (vi) a newspaper, television station or network, radio station or network, periodical of  
672 general circulation, or book publisher for the purpose of publishing news items, editorials,  
673 other comments, or paid advertisements that directly or indirectly urge local action or education  
674 action;

675 (vii) an individual who appears on the individual's own behalf before a board of  
676 education, the governing body of a local government, or a committee of a local government or  
677 board of education, solely for the purpose of testifying in support of or in opposition to local  
678 action or education action; or

679 (viii) an individual representing a business, entity, or industry, who:

680 (A) interacts with a local official or education official, in the local official's or  
681 education official's capacity as a local official or education official, while accompanied by a  
682 lobbyist who is lobbying in relation to the subject of the interaction; and

683 (B) does not make an expenditure for, or on behalf of, a local official or education  
684 official in relation to the interaction or during the period of interaction.

685 (14) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
686 any combination of lobbyists, principals, and government officers, who each contribute a  
687 portion of an expenditure made to benefit a local official or education official or member of the  
688 local official's or education official's immediate family.

689 (15) "Local action" means:

- 690 (a) an ordinance or resolution for consideration by a local government;
- 691 (b) a nomination or appointment by a local official or a local government;
- 692 (c) an administrative action taken by a vote of a local government's legislative body;
- 693 (d) an adjudicative proceeding over which a local official has direct or indirect control;
- 694 (e) a purchasing or contracting decision;
- 695 (f) drafting or making a policy, resolution, or rule;
- 696 (g) determining a rate or fee; or
- 697 (h) making an adjudicative decision.

698 (16) "Local government" means:

- 699 (a) a county, city, town, or metro township;
- 700 (b) a local district governed by Title 17B, Limited Purpose Local Government Entities

701 - Local Districts;

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

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

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

707 (f) a redevelopment agency; or

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

710 (17) "Local official" means:  
711 (a) an elected member of a local government;  
712 (b) an individual appointed to or employed in a position in a local government if that  
713 individual:

- 714 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 715 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 716 (iii) determines rates or fees; or
- 717 (iv) makes adjudicative decisions; or

718 (c) an immediate family member of an individual described in Subsection (17)(a) or  
719 (b).

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

722 (19) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
723 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
724 a local official or education official or member of the local official's or education official's  
725 immediate family between two or more of those clients.

726 (20) "Principal" means a person that employs an individual to perform lobbying, either  
727 as an employee or as an independent contractor.

728 (21) "Quarterly reporting period" means the three-month period covered by each  
729 financial report required under Section [~~36-11a-201~~] [11-65-201](#).

730 (22) "Related person" means a person, agent, or employee who knowingly and  
731 intentionally assists a lobbyist, principal, or government officer in lobbying.

732 (23) "Relative" means:

- 733 (a) a spouse;
- 734 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,  
735 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

736 (c) a spouse of an individual described in Subsection (23)(b).

737 (24) "Tour" means the visit of a location by a local official or education official, for a  
738 purpose relating to the duties of the local official or education official, and not primarily for  
739 entertainment, including:

- 740 (a) viewing a facility;



- 741 (b) viewing the sight of a natural disaster; or  
 742 (c) assessing a circumstance in relation to which a local official or education official  
 743 may need to take action within the scope of the local official's or education official's duties.  
 744 (25) "Type of public official" means a notation to identify whether an individual is:  
 745 (a) a local official, including a notation of the type of local government for which the  
 746 individual is a local official;  
 747 (b) an education official, including a notation of the type of board of education for  
 748 which the individual is an education official; or  
 749 (c) an immediate family member of an individual described in Subsection (6)(a),  
 750 (6)(b), (17)(a), or (17)(b).

751 Section 7. Section **11-65-201**, which is renumbered from Section 36-11a-201 is  
 752 renumbered and amended to read:

753 **Part 2. Disclosure of Expenditures**

754 ~~[36-11a-201].~~ **11-65-201. Lobbyist, principal, and government officer**  
 755 **financial reporting requirements -- Prohibition for related person to make expenditures.**

- 756 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial  
 757 reports with the lieutenant governor on or before the due dates specified in Subsection (2).  
 758 (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is  
 759 not required to file a quarterly financial report for that quarterly reporting period.  
 760 (iii) A lobbyist who is not required to file any quarterly reports under this section for a  
 761 calendar year shall, on or before January 10 of the following year, file a financial report listing  
 762 the amount of the expenditures for the entire preceding year as "none."

763 (b) Except as provided in Subsection (1)(c), a government officer or principal that  
 764 makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a)  
 765 shall file a financial report with the lieutenant governor on or before the date that a report for  
 766 that quarter is due.

- 767 (c) (i) As used in this Subsection (1)(c), "same local government type" means:  
 768 (A) for a county government, another county government;  
 769 (B) for a municipal government, another municipal government;  
 770 (C) for a local board of education, another local board of education;  
 771 (D) for a local district, another local district or a special service district; or

772 (E) for a special service district, another special service district or a local district.

773 (ii) A government officer or local official is not required, under this section, to report  
774 an expenditure made by the government officer or local official to another government officer  
775 or local official if the government officer or local official making the expenditure is of the  
776 same local government type as the government officer or local official receiving the  
777 expenditure.

778 (2) (a) A financial report is due quarterly on the following dates:

779 (i) April 10, for the period of January 1 through March 31;

780 (ii) July 10, for the period of April 1 through June 30;

781 (iii) October 10, for the period of July 1 through September 30; and

782 (iv) January 10, for the period of October 1 through December 31 of the previous year.

783 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,  
784 the report is due on the next succeeding business day.

785 (c) A financial report is timely filed if it is filed electronically before the close of  
786 regular office hours on or before the due date.

787 (3) A financial report shall contain:

788 (a) the total amount of expenditures made to benefit any local official or education  
789 official during the quarterly reporting period;

790 (b) the total amount of expenditures made, by the type of official, during the quarterly  
791 reporting period;

792 (c) for the financial report due on January 10:

793 (i) the total amount of expenditures made to benefit any local official or education  
794 official during the last calendar year; and

795 (ii) the total amount of expenditures made, by the type of official, during the last  
796 calendar year;

797 (d) a disclosure of each expenditure made during the quarterly reporting period to  
798 reimburse or pay for travel or lodging for a local official or education official, including:

799 (i) each travel destination and each lodging location;

800 (ii) the name of each local official or education official who benefitted from the  
801 expenditure on travel or lodging;

802 (iii) the type of official of each local official or education official named;

- 803 (iv) for each local official or education official named, a listing of the amount and  
804 purpose of each expenditure made for travel or lodging; and
- 805 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- 806 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the  
807 quarterly reporting period including:
- 808 (i) the date and purpose of the expenditure;
- 809 (ii) the location of the expenditure;
- 810 (iii) the name of any local official or education official benefitted by the expenditure;
- 811 (iv) the type of official benefitted by the expenditure; and
- 812 (v) the total monetary worth of the benefit that the expenditure conferred on any local  
813 official or education official;
- 814 (f) for each local official or education official who was employed by the lobbyist,  
815 principal, or government officer, a list that provides:
- 816 (i) the name of the local official or education official; and
- 817 (ii) the nature of the employment with the local official or education official;
- 818 (g) a description of each local action or education action regarding which the lobbyist,  
819 principal, or government officer made an expenditure to a local official or education official;
- 820 (h) the general purposes, interests, and nature of the entities that the lobbyist, principal,  
821 or government officer filing the report represents; and
- 822 (i) for a lobbyist, a certification that the information provided in the report is true,  
823 accurate, and complete to the lobbyist's best knowledge and belief.
- 824 (4) A related person may not, while assisting a lobbyist, principal, or government  
825 officer in lobbying, make an expenditure that benefits a local official or education official  
826 under circumstances that would otherwise fall within the disclosure requirements of this  
827 chapter if the expenditure was made by the lobbyist, principal, or government officer.
- 828 (5) The lieutenant governor:
- 829 (a) shall provide a reporting system that allows a lobbyist, principal, or government  
830 officer to submit a financial report required by this chapter via the Internet; and
- 831 (b) may integrate the reporting system described in Subsection (5)(a) with the reporting  
832 system described in ~~Subsection 36-11-201(5)(b)~~ Section 67-1c-201.
- 833 (6) (a) A lobbyist and a principal shall continue to file a financial report required by

834 this section until the lobbyist or principal files a statement with the lieutenant governor that:

835 (i) (A) for a lobbyist, states that the lobbyist has ceased lobbying activities; or

836 (B) for a principal, states that the principal no longer employs an individual as a  
837 lobbyist;

838 (ii) contains a listing, as required by this section, of all previously unreported  
839 expenditures that have been made through the date of the statement; and

840 (iii) states that the lobbyist or principal will not make any additional expenditure that is  
841 not disclosed on the statement unless the lobbyist or principal complies with the disclosure  
842 requirements of this chapter.

843 (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required  
844 to file a financial report under this section is required to file the report quarterly until the  
845 lobbyist or principal files the statement required by Subsection (6)(a).

846 Section 8. Section **11-65-202**, which is renumbered from Section 36-11a-202 is  
847 renumbered and amended to read:

848 ~~[36-11a-202]~~. **11-65-202. Expenditures over certain amounts prohibited --**  
849 **Exceptions.**

850 (1) Except as provided in Subsection (2) or (3), a lobbyist, principal, or government  
851 officer may not make or offer to make aggregate daily expenditures that exceed:

- 852 (a) for food or beverage, the food reimbursement rate; or
- 853 (b) \$10 for expenditures other than food or beverage.

854 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures  
855 that exceed the limits described in Subsection (1):

856 (a) for the following items, if the expenditure is reported in accordance with Section  
857 ~~[36-11a-201]~~ [11-65-201](#):

- 858 (i) food;
- 859 (ii) beverage;
- 860 (iii) travel;
- 861 (iv) lodging; or
- 862 (v) admission to or attendance at a tour or meeting; or

863 (b) if the expenditure is made for a purpose solely unrelated to the local official's or  
864 education official's position as a local official or education official.

- 865 (3) (a) As used in this Subsection (3), "same local government type" means:
- 866 (i) for a county government, another county government;
- 867 (ii) for a municipal government, another municipal government;
- 868 (iii) for a local board of education, another local board of education;
- 869 (iv) for a local district, another local district or a special service district; or
- 870 (v) for a special service district, another special service district or a local district.
- 871 (b) This section does not apply to an expenditure made by a government officer or
- 872 local official to another government officer or local official if the government officer or local
- 873 official making the expenditure is of the same local government type as the government officer
- 874 or local official receiving the expenditure.

875 Section 9. Section **11-65-203**, which is renumbered from Section 36-11a-203 is

876 renumbered and amended to read:

877 ~~[36-11a-203]~~. **11-65-203. Disposal of publications.**

878 If a lobbyist, principal, or government officer makes an expenditure, in the form of a

879 publication, to a local official or education official, the local official or education official may

880 return the publication to the lobbyist, principal, or government officer, donate the publication

881 to a charity or a government entity, or destroy the publication.

882 Section 10. Section **11-65-301**, which is renumbered from Section 36-11a-301 is

883 renumbered and amended to read:

884 ~~[36-11a-301]~~. **11-65-301. Penalties.**

885 (1) A person who intentionally violates Section ~~[36-11a-201]~~ 11-65-201 or

886 ~~[36-11a-202]~~ 11-65-202 is subject to the following penalties:

- 887 (a) an administrative penalty of up to \$1,000 for each violation; and
- 888 (b) for each subsequent violation of that same section within 24 months, either:
- 889 (i) an administrative penalty of up to \$5,000; or
- 890 (ii) suspension of the violator's lobbying license for up to one year, if the person is a
- 891 registered lobbyist under Section ~~[36-11-103]~~ 67-1c-102.

892 (2) Any person who intentionally fails to file a financial report required by this chapter,

893 omits material information from a financial report, or files false information on a financial

894 report, is subject to the following penalties:

- 895 (a) an administrative penalty of up to \$1,000 for each violation; or

896 (b) suspension of the violator's lobbying license for up to one year, if the person is a  
897 registered lobbyist under Section [36-11-103](#).

898 (3) In addition to any penalty imposed under Subsection (1) or (2), a person who  
899 intentionally fails to file a financial report required by this chapter on the date the report is due  
900 is subject to a penalty of up to \$50 per day for each day that the report is late.

901 (4) A person with evidence of a possible violation of this chapter may submit the  
902 evidence to the lieutenant governor for investigation.

903 (5) Nothing in this chapter creates a third-party cause of action or appeal rights.

904 Section 11. Section **11-65-302**, which is renumbered from Section 36-11a-302 is  
905 renumbered and amended to read:

906 ~~**[36-11a-302]**~~. **11-65-302. Lieutenant governor's procedures.**

907 The director of elections within the Office of the Lieutenant Governor shall make rules  
908 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that provide  
909 for the appointment of an administrative law judge to adjudicate alleged violations of this  
910 chapter and to impose penalties under this chapter.

911 Section 12. Section **11-65-303**, which is renumbered from Section 36-11a-303 is  
912 renumbered and amended to read:

913 ~~**[36-11a-303]**~~. **11-65-303. Construction and interpretation -- Freedom of**  
914 **expression, participation, and press -- Non-preemption.**

915 (1) No provision of this chapter may be construed in a manner that limits:

916 (a) a person's right of freedom of expression and participation in government; or

917 (b) freedom of the press.

918 (2) This chapter does not prevent a local government or public education entity from  
919 enacting an ordinance or adopting a policy, that the local government or public education entity  
920 otherwise has the lawful authority to enact or adopt, that is stricter than the requirements of this  
921 chapter.

922 Section 13. Section **20A-9-407** is amended to read:

923 **20A-9-407. Convention process to seek the nomination of a qualified political**  
924 **party.**

925 (1) This section describes the requirements for a member of a qualified political party  
926 who is seeking the nomination of a qualified political party for an elective office through the

927 qualified political party's convention process.

928 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of  
929 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
930 the nomination of, the qualified political party under this section shall be substantially as  
931 described in Section [20A-9-408.5](#).

932 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection  
933 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the  
934 nomination of the qualified political party for an elective office that is to be filled at the next  
935 general election, shall:

936 (a) except as provided in Subsection [20A-9-202\(1\)\(c\)](#), file a declaration of candidacy in  
937 person with the filing officer:

938 (i) on or after 48 days after the day on which the Legislature's general session begins,  
939 as provided in Section [~~36-3-201~~] [36-2a-101](#); and

940 (ii) before 5 p.m. 52 days after the day on which the Legislature's general session  
941 begins, as provided in Section [~~36-3-201~~] [36-2a-101](#); and

942 (b) pay the filing fee.

943 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political  
944 party who, under this section, is seeking the nomination of the qualified political party for the  
945 office of district attorney within a multicounty prosecution district that is to be filled at the next  
946 general election shall:

947 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
948 agreement creating the prosecution district:

949 (i) on or after 48 days after the day on which the Legislature's general session begins,  
950 as provided in Section [~~36-3-201~~] [36-2a-101](#); and

951 (ii) before 5 p.m. 52 days after the day on which the Legislature's general session  
952 begins, as provided in Section [~~36-3-201~~] [36-2a-101](#); and

953 (b) pay the filing fee.

954 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate  
955 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
956 political party, under this section, for the office of governor shall, before the deadline described  
957 in Subsection [20A-9-202\(1\)\(b\)](#), file a declaration of candidacy and submit a letter from the

958 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
959 mate.

960 (6) (a) A qualified political party that nominates a candidate under this section shall  
961 certify the name of the candidate to the lieutenant governor before the deadline described in  
962 Subsection [20A-9-202\(1\)\(b\)](#).

963 (b) The lieutenant governor shall include, in the primary ballot certification or, for a  
964 race where a primary is not held because the candidate is unopposed, in the general election  
965 ballot certification, the name of each candidate nominated by a qualified political party under  
966 this section.

967 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who  
968 is nominated by a qualified political party under this section, designate the qualified political  
969 party that nominated the candidate.

970 Section 14. Section **20A-9-408** is amended to read:

971 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
972 **political party.**

973 (1) This section describes the requirements for a member of a qualified political party  
974 who is seeking the nomination of the qualified political party for an elective office through the  
975 signature-gathering process described in this section.

976 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of  
977 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
978 the nomination of, the qualified political party under this section shall be substantially as  
979 described in Section [20A-9-408.5](#).

980 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection  
981 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the  
982 nomination of the qualified political party for an elective office that is to be filled at the next  
983 general election shall:

984 (a) within the period beginning on January 1 before the next regular general election  
985 and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as  
986 provided in Section [~~36-3-201~~] [36-2a-101](#), and before gathering signatures under this section,  
987 file with the filing officer on a form approved by the lieutenant governor a notice of intent to  
988 gather signatures for candidacy that includes:



989 (i) the name of the member who will attempt to become a candidate for a registered  
990 political party under this section;

991 (ii) the name of the registered political party for which the member is seeking  
992 nomination;

993 (iii) the office for which the member is seeking to become a candidate;

994 (iv) the address and telephone number of the member; and

995 (v) other information required by the lieutenant governor;

996 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
997 in person, with the filing officer:

998 (i) on or after 48 days after the day on which the Legislature's general session begins,  
999 as provided in Section [~~36-3-201~~] [36-2a-101](#); and

1000 (ii) before 5 p.m. 52 days after the day on which the Legislature's general session  
1001 begins, as provided in Section [~~36-3-201~~] [36-2a-101](#); and

1002 (c) pay the filing fee.

1003 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
1004 party who, under this section, is seeking the nomination of the qualified political party for the  
1005 office of district attorney within a multicounty prosecution district that is to be filled at the next  
1006 general election shall:

1007 (a) on or after January 1 before the next regular general election, and before gathering  
1008 signatures under this section, file with the filing officer on a form approved by the lieutenant  
1009 governor a notice of intent to gather signatures for candidacy that includes:

1010 (i) the name of the member who will attempt to become a candidate for a registered  
1011 political party under this section;

1012 (ii) the name of the registered political party for which the member is seeking  
1013 nomination;

1014 (iii) the office for which the member is seeking to become a candidate;

1015 (iv) the address and telephone number of the member; and

1016 (v) other information required by the lieutenant governor;

1017 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
1018 in person, with the filing officer:

1019 (i) on or after 48 days after the day on which the Legislature's general session begins,

1020 as provided in Section [~~36-3-201~~] [36-2a-101](#); and

1021 (ii) before 5 p.m. 52 days after the day on which the Legislature's general session  
1022 begins, as provided in Section [~~36-3-201~~] [36-2a-101](#); and

1023 (c) pay the filing fee.

1024 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate  
1025 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
1026 political party, under this section, for the office of governor shall, before the deadline described  
1027 in Subsection [20A-9-202\(1\)\(b\)](#), file a declaration of candidacy and submit a letter from the  
1028 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
1029 mate.

1030 (6) The lieutenant governor shall ensure that the certification described in Subsection  
1031 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party  
1032 under this section.

1033 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who  
1034 is nominated by a qualified political party under this section, designate the qualified political  
1035 party that nominated the candidate.

1036 (8) A member of a qualified political party may seek the nomination of the qualified  
1037 political party for an elective office by:

1038 (a) complying with the requirements described in this section; and

1039 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
1040 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before  
1041 the day on which the qualified political party's convention for the office is held, in the  
1042 following amounts:

1043 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
1044 permitted by the qualified political party to vote for the qualified political party's candidates in  
1045 a primary election;

1046 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
1047 residents of the congressional district and are permitted by the qualified political party to vote  
1048 for the qualified political party's candidates in a primary election;

1049 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
1050 residents of the state Senate district and are permitted by the qualified political party to vote for

1051 the qualified political party's candidates in a primary election;

1052 (iv) for a state House district race, 1,000 signatures of registered voters who are

1053 residents of the state House district and are permitted by the qualified political party to vote for

1054 the qualified political party's candidates in a primary election;

1055 (v) for a State Board of Education race, the lesser of:

1056 (A) 2,000 signatures of registered voters who are residents of the State Board of

1057 Education district and are permitted by the qualified political party to vote for the qualified

1058 political party's candidates in a primary election; or

1059 (B) 3% of the registered voters of the qualified political party who are residents of the

1060 applicable State Board of Education district; and

1061 (vi) for a county office race, signatures of 3% of the registered voters who are residents

1062 of the area permitted to vote for the county office and are permitted by the qualified political

1063 party to vote for the qualified political party's candidates in a primary election.

1064 (9) (a) In order for a member of the qualified political party to qualify as a candidate

1065 for the qualified political party's nomination for an elective office under this section, the

1066 member shall:

1067 (i) collect the signatures on a form approved by the lieutenant governor, using the same

1068 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

1069 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days

1070 before the day on which the qualified political party holds the party's convention to select

1071 candidates, for the elective office, for the qualified political party's nomination.

1072 (b) An individual may not gather signatures under this section until after the individual

1073 files a notice of intent to gather signatures for candidacy described in this section.

1074 (c) An individual who files a notice of intent to gather signatures for candidacy,

1075 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files

1076 the notice of intent to gather signatures for candidacy:

1077 (i) required to comply with the reporting requirements that a candidate for office is

1078 required to comply with; and

1079 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that

1080 apply to a candidate for office in relation to the reporting requirements described in Subsection

1081 (9)(c)(i).

1082 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1083 election officer shall, no later than the earlier of 14 days after the day on which the election  
1084 officer receives the signatures, or one day before the day on which the qualified political party  
1085 holds the convention to select a nominee for the elective office to which the signature packets  
1086 relate:

1087 (i) check the name of each individual who completes the verification for a signature  
1088 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1089 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
1090 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1091 (iii) determine whether each signer is a registered voter who is qualified to sign the  
1092 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
1093 on a petition; and

1094 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
1095 signature packet.

1096 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1097 election officer shall, no later than one day before the day on which the qualified political party  
1098 holds the convention to select a nominee for the elective office to which the signature packets  
1099 relate, notify the qualified political party and the lieutenant governor of the name of each  
1100 member of the qualified political party who qualifies as a nominee of the qualified political  
1101 party, under this section, for the elective office to which the convention relates.

1102 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in  
1103 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
1104 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
1105 posts a declaration of candidacy.

1106 Section 15. Section **20A-20-201** is amended to read:

1107 **20A-20-201. Utah Independent Redistricting Commission -- Creation --**  
1108 **Membership -- Term -- Quorum -- Action -- Meetings -- Staffing -- Website.**

1109 (1) (a) There is created the Utah Independent Redistricting Commission.

1110 (b) The commission is housed in the Department of Government Operations for  
1111 budgetary purposes only.

1112 (c) The commission is not under the direction or control of the Department of

1113 Government Operations or any executive director, director, or other employee of the  
1114 Department of Government Operations or any other government entity.

1115 (2) Except as provided in Subsection (4), the commission comprises seven members  
1116 appointed as follows:

1117 (a) one member appointed by the governor, which member shall serve as chair of the  
1118 commission;

1119 (b) one member appointed by the president of the Senate;

1120 (c) one member appointed by the speaker of the House of Representatives;

1121 (d) one member appointed by the legislative leader of the largest minority political  
1122 party in the Senate;

1123 (e) one member appointed by the legislative leader of the largest minority political  
1124 party in the House of Representatives;

1125 (f) one member appointed jointly by the president of the Senate and the speaker of the  
1126 House of Representatives; and

1127 (g) one member appointed jointly by the legislative leader of the largest minority  
1128 political party in the Senate and the legislative leader of the largest minority political party in  
1129 the House of Representatives.

1130 (3) An appointing authority described in Subsection (2):

1131 (a) shall make the appointments no later than:

1132 (i) February 1 of the year immediately following a decennial year; or

1133 (ii) if there is a change in the number of congressional, legislative, or other districts  
1134 resulting from an event other than a national decennial enumeration made by the authority of  
1135 the United States, the day on which the Legislature appoints a committee to draw maps in  
1136 relation to the change;

1137 (b) may remove a commission member appointed by the appointing authority, for  
1138 cause; and

1139 (c) shall, if a vacancy occurs in the position appointed by the appointing authority  
1140 under Subsection (2), appoint another individual to fill the vacancy within 10 days after the day  
1141 on which the vacancy occurs.

1142 (4) (a) If the appointing authority described in Subsection (2)(a) fails to timely make  
1143 the appointment, the legislative leader of the largest political party in the House of

1144 Representatives and the Senate, of which the governor is not a member, shall jointly make the  
1145 appointment.

1146 (b) If the appointing authority described in Subsection (2)(b) fails to timely make the  
1147 appointment, the appointing authority described in Subsection (2)(d) shall make the  
1148 appointment.

1149 (c) If the appointing authority described in Subsection (2)(c) fails to timely make the  
1150 appointment, the appointing authority described in Subsection (2)(e) shall make the  
1151 appointment.

1152 (d) If the appointing authority described in Subsection (2)(d) fails to timely make the  
1153 appointment, the appointing authority described in Subsection (2)(b) shall make the  
1154 appointment.

1155 (e) If the appointing authority described in Subsection (2)(e) fails to timely make the  
1156 appointment, the appointing authority described in Subsection (2)(c) shall make the  
1157 appointment.

1158 (f) If the appointing authority described in Subsection (2)(f) fails to timely make the  
1159 appointment, the appointing authority described in Subsection (2)(g) shall make the  
1160 appointment.

1161 (g) If the appointing authority described in Subsection (2)(g) fails to timely make the  
1162 appointment, the appointing authority described in Subsection (2)(f) shall make the  
1163 appointment.

1164 (5) A member of the commission may not, during the member's service on the  
1165 commission:

1166 (a) be a lobbyist or principal, as those terms are defined in Section [~~36-11-102~~]  
1167 [67-1c-101](#);

1168 (b) be a candidate for or holder of any elective office, including federal elective office,  
1169 state elective office, or local government elective office;

1170 (c) be a candidate for or holder of any office of a political party, except for delegates to  
1171 a political party's convention;

1172 (d) be an employee of, or a paid consultant for, a political party, political party  
1173 committee, personal campaign committee, or any political action committee affiliated with a  
1174 political party or controlled by an elected official or candidate for elective office, including any

1175 local government office;

1176 (e) serve in public office if the member is appointed to public office by the governor or  
1177 the Legislature;

1178 (f) be employed by the United States Congress or the Legislature; or

1179 (g) hold any position that reports directly to an elected official, including a local  
1180 elected official, or to any person appointed by the governor or Legislature to any other public  
1181 office.

1182 (6) In addition to the qualifications described in Subsection (5), a member of the  
1183 commission described in Subsection (2)(f) or (g):

1184 (a) may not have, during the two-year period immediately preceding the member's  
1185 appointment to the commission:

1186 (i) been affiliated with a political party under Section [20A-2-107](#);

1187 (ii) voted in the regular primary election or municipal primary election of a political  
1188 party; or

1189 (iii) been a delegate to a political party convention; and

1190 (b) may not, in the sole determination of the appointing authority, be an individual who  
1191 is affiliated with a partisan organization or cause.

1192 (7) Each commission member shall, upon appointment to the commission, sign and file  
1193 a statement with the governor certifying that the commission member:

1194 (a) meets the qualifications for appointment to the commission;

1195 (b) will, during the member's service on the commission, comply with the requirements  
1196 described in Subsection (5);

1197 (c) will comply with the standards, procedures, and requirements described in this  
1198 chapter that are applicable to a commission member; and

1199 (d) will faithfully discharge the duties of a commission member in an independent,  
1200 impartial, honest, and transparent manner.

1201 (8) For a regular decennial redistricting, the commission is:

1202 (a) formed and may begin conducting business on February 1 of the year immediately  
1203 following a decennial year; and

1204 (b) dissolved upon approval of the Legislature's redistricting maps by the governor, or  
1205 the day following the constitutional time limit of Utah Constitution, Article VII, Section 8,

1206 without the governor's signature, or in the case of a veto, the date of veto override.

1207 (9) (a) A member of the commission may not receive compensation or benefits for the  
1208 member's service, but may receive per diem and travel expenses in accordance with:

1209 (i) Section 63A-3-106;

1210 (ii) Section 63A-3-107; and

1211 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1212 63A-3-107.

1213 (b) A member of the commission may decline to receive per diem or travel expenses.

1214 (10) The commission shall meet upon the request of a majority of the commission  
1215 members or when the chair calls a meeting.

1216 (11) (a) A majority of the members of the commission constitutes a quorum.

1217 (b) The commission takes official action by a majority vote of a quorum present at a  
1218 meeting of the commission.

1219 (12) Within appropriations from the Legislature, the commission may, to fulfill the  
1220 duties of the commission:

1221 (a) contract with or employ an attorney licensed in Utah, an executive director, and  
1222 other staff; and

1223 (b) purchase equipment and other resources, in accordance with Title 63G, Chapter 6a,  
1224 Utah Procurement Code, to fulfill the duties of the commission.

1225 (13) The commission shall maintain a website where the public may:

1226 (a) access announcements and records of commission meetings and hearings;

1227 (b) access maps presented to, or under consideration by, the commission;

1228 (c) access evaluations described in Subsection 20A-20-302(8);

1229 (d) submit a map to the commission; and

1230 (e) submit comments on a map presented to, or under consideration by, the  
1231 commission.

1232 Section 16. Section 26-7-2.5 is amended to read:

1233 **26-7-2.5. American Indian-Alaska Native Health Office -- Duties.**

1234 (1) As used in this section:

1235 (a) "Health care" means care, treatment, service, or a procedure to improve, maintain,  
1236 diagnose, or otherwise affect an individual's physical or mental condition.



1237 (b) "Liaison" means the American Indian-Alaska Native Health Liaison appointed  
1238 under this section.

1239 (2) The executive director shall:

1240 (a) establish an office to address health care of Utah's American Indian-Alaska Native  
1241 population on and off reservations; and

1242 (b) appoint an individual as the American Indian-Alaska Native Health Liaison who  
1243 serves as the administrative head of the office under the supervision of the executive director.

1244 (3) The office shall on behalf of the executive director and the department:

1245 (a) promote and coordinate collaborative efforts between the department and Utah's  
1246 American Indian-Alaska Native population to improve the availability and accessibility of  
1247 quality health care impacting Utah's American Indian-Alaska Native populations on and off  
1248 reservations;

1249 (b) interact with the following to improve health disparities for Utah's American  
1250 Indian-Alaska Native populations:

1251 (i) tribal health programs;

1252 (ii) local health departments;

1253 (iii) state agencies and officials; and

1254 (iv) providers of health care in the private sector;

1255 (c) facilitate education, training, and technical assistance regarding public health and  
1256 medical assistance programs to Utah's American Indian-Alaska Native populations; and

1257 (d) staff an advisory board by which Utah's tribes may consult with state and local  
1258 agencies for the development and improvement of public health programs designed to address  
1259 improved health care for Utah's American Indian-Alaska Native populations on and off the  
1260 reservation.

1261 (4) The liaison shall annually report the office's activities and accomplishments to the  
1262 Native American Legislative Liaison Committee created in Section [~~36-22-1~~] [36-6a-501](#).

1263 Section 17. Section **32B-2-211** is amended to read:

1264 **32B-2-211. Review and audit of commission rules.**

1265 (1) (a) In 2019 and every third year thereafter, the Legislature's general counsel shall  
1266 review each current rule made by the commission for compliance with current statute.

1267 (b) On or before December 15 of each year in which the Legislature's general counsel

1268 completes a compliance review described in Subsection (1)(a), the Legislature's general  
1269 counsel shall prepare and submit a report to the president of the Senate and the speaker of the  
1270 House of Representatives that describes the Legislature's general counsel's findings.

1271 (2) (a) Subject to the prioritization of the Audit Subcommittee created in Section  
1272 [~~36-12-8~~] 36-3a-301, the Office of the Legislative Auditor General may review one or more  
1273 current practices of the commission or the department for compliance with current statute or  
1274 rule.

1275 (b) Following a review described in Subsection (2)(a), the Office of the Legislative  
1276 Auditor General shall prepare and submit a report to the Audit Subcommittee that describes the  
1277 Office of the Legislative Auditor General's findings and recommendations.

1278 Section 18. Section ~~35A-14-202~~ is amended to read:

1279 **35A-14-202. Utah Data Research Center -- Powers.**

1280 (1) When requested by the Office of the Legislative Auditor General, the center shall  
1281 give direct access to all records, data, and other materials in possession of the center to the  
1282 Office of the Legislative Auditor General.

1283 (2) The center may:

1284 [~~(1)~~] (a) employ staff necessary to carry out the center's duties;

1285 [~~(2)~~] (b) purchase, own, create, or maintain equipment necessary to:

1286 [~~(a)~~] (i) collect data from the participating entities;

1287 [~~(b)~~] (ii) connect and de-identify data collected by the center;

1288 [~~(c)~~] (iii) store connected and de-identified data; or

1289 [~~(d)~~] (iv) conduct research on data stored or obtained by the center; or

1290 [~~(3)~~] (c) contract with a private entity, another state or federal entity, or a political  
1291 subdivision of the state to carry out the center's duties as provided in this chapter.

1292 Section 19. Section ~~36-1a-101~~, which is renumbered from Section 36-1-101.1 is  
1293 renumbered and amended to read:

1294 **CHAPTER 1a. LEGISLATIVE DISTRICTS**

1295 **Part 1. Utah State Senate**

1296 [~~36-1-101.1~~]. **36-1a-101. Definitions.**

1297 As used in this part:

1298 (1) "Census block" means any one of the 71,207 individual geographic areas into

1299 which the Bureau of the Census of the United States Department of Commerce has divided the  
1300 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
1301 tabulation from the 2020 decennial census.

1302 (2) "Senate block equivalency file" means the electronic file designated as  
1303 SB2006S02\_BEF.txt that assigns each of Utah's 71,207 census blocks to a particular Utah State  
1304 Senate district.

1305 (3) "Senate shapefile" means the electronic shapefile that:

1306 (a) is the resulting projection of the Senate block equivalency file; and

1307 (b) stores the boundary of each of the 29 Utah State Senate districts.

1308 (4) "Shapefile" means the digital vector storage format for storing geometric location  
1309 and associated attribute information.

1310 Section 20. Section **36-1a-102**, which is renumbered from Section 36-1-101.5 is  
1311 renumbered and amended to read:

1312 ~~[36-1-101.5].~~ **36-1a-102. Utah State Senate -- District boundaries.**

1313 (1) The Utah State Senate shall consist of 29 members, with one member to be elected  
1314 from each Utah State Senate district.

1315 (2) The Legislature adopts the official census population figures and maps of the  
1316 Bureau of the Census of the United States Department of Commerce developed in connection  
1317 with the taking of the 2020 national decennial census as the official data for establishing Senate  
1318 district boundaries.

1319 (3) (a) The Legislature enacts the district numbers and boundaries of the Senate districts  
1320 designated in the Senate block equivalency file and resulting Senate shapefile that is the  
1321 electronic component of Laws of Utah 2021, Second Special Session, Chapter 11:

1322 (i) for purposes of nominating and electing certain members of the Utah State Senate  
1323 beginning January 1, 2022; and

1324 (ii) for all other purposes beginning January 1, 2023.

1325 (b) The Legislature shall ensure that the Senate shapefile, and the Senate district  
1326 boundaries generated from the Senate shapefile, are accessible on the Utah Legislature's  
1327 website.

1328 Section 21. Section **36-1a-103**, which is renumbered from Section 36-1-102 is  
1329 renumbered and amended to read:

1330 **[~~36-1-102~~]. 36-1a-103. Election of senators -- Staggered terms.**

1331 Unless otherwise provided by law, and notwithstanding Subsection [20A-1-503\(3\)](#):

1332 (1) voters in the following districts, as designated in the Senate block equivalency file,  
1333 shall elect a senator for a term of four years:

1334 (a) at the 2022 General Election, Senate Districts 1, 5, 6, 7, 9, 11, 12, 13, 14, 18, 19,  
1335 20, 21, 23, and 28; and

1336 (b) at the 2024 General Election, Senate Districts 2, 3, 4, 8, 10, 15, 16, 17, 22, 24, 25,  
1337 26, 27, and 29; and

1338 (2) a senator representing a district described in Subsection (1)(b) on November 16,  
1339 2021, shall represent the realigned district, if the senator resides in the realigned district, for a  
1340 term of office that ends January 1, 2025.

1341 Section 22. Section **36-1a-104**, which is renumbered from Section 36-1-103 is  
1342 renumbered and amended to read:

1343 **[~~36-1-103~~]. 36-1a-104. Senate districts -- Filing -- Legal boundaries.**

1344 (1) (a) The Legislature shall file a copy of the Senate block equivalency file enacted by  
1345 the Legislature and the resulting Senate shapefile with the lieutenant governor's office.

1346 (b) The legal boundaries of Senate districts are contained in the Senate shapefile on file  
1347 with the lieutenant governor's office.

1348 (2) (a) The lieutenant governor shall:

1349 (i) verify the Senate block equivalency file that the Legislature filed under Subsection  
1350 (1) using block equivalency file security code "4dde7d733138e1360e155dfaf98a0cd5" and the  
1351 resulting Senate shapefile;

1352 (ii) generate maps of each Utah State Senate district from the Senate shapefile; and

1353 (iii) ensure that the district maps are available for viewing on the lieutenant governor's  
1354 website.

1355 (b) If there is any inconsistency between the district maps and the Senate shapefile  
1356 resulting from the Senate block equivalency file, the Senate shapefile is controlling.

1357 Section 23. Section **36-1a-105**, which is renumbered from Section 36-1-103.2 is  
1358 renumbered and amended to read:

1359 **[~~36-1-103.2~~]. 36-1a-105. County clerk, Utah Geospatial Resource Center,  
1360 and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

1361 (1) As used in this section, "redistricting boundary data" means the Senate shapefile in  
1362 the possession of the lieutenant governor's office.

1363 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the  
1364 clerk's county from the lieutenant governor's office.

1365 (3) (a) A county clerk may create one or more county maps that identify the boundaries  
1366 of Senate districts as generated from the redistricting boundary data.

1367 (b) Before publishing or distributing any map or data created by the county clerk that  
1368 identifies the boundaries of Senate districts within the county, the clerk shall submit the county  
1369 map and data to the lieutenant governor and to the Utah Geospatial Resource Center for  
1370 review.

1371 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah  
1372 Geospatial Resource Center shall:

1373 (i) review the county map and data to evaluate if the county map and data accurately  
1374 reflect the boundaries of Senate districts established by the Legislature in the redistricting  
1375 boundary data;

1376 (ii) determine whether the county map and data are correct or incorrect; and

1377 (iii) communicate those findings to the lieutenant governor.

1378 (d) The lieutenant governor shall either notify the county clerk that the county map and  
1379 data are correct or notify the county clerk that the county map and data are incorrect.

1380 (e) If the county clerk receives notice from the lieutenant governor that the county map  
1381 and data submitted are incorrect, the county clerk shall:

1382 (i) make the corrections necessary to conform the county map and data to the  
1383 redistricting boundary data; and

1384 (ii) resubmit the corrected county map and data to the lieutenant governor and to the  
1385 Utah Geospatial Resource Center for a new review under this Subsection (3).

1386 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall  
1387 establish voting precincts and polling places within each Senate district according to the  
1388 procedures and requirements of Section [20A-5-303](#).

1389 (b) Within five working days after approval of voting precincts and polling places by  
1390 the county legislative body as required by Section [20A-5-303](#), each county clerk shall submit a  
1391 voting precinct map identifying the boundaries of each voting precinct within the county to the

1392 lieutenant governor and to the Utah Geospatial Resource Center for review.

1393 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah  
1394 Geospatial Resource Center shall:

1395 (i) review the voting precinct map to evaluate if the voting precinct map accurately  
1396 reflects the boundaries of Senate districts established by the Legislature in the redistricting  
1397 boundary data;

1398 (ii) determine whether the voting precinct map is correct or incorrect; and

1399 (iii) communicate those findings to the lieutenant governor.

1400 (d) The lieutenant governor shall either notify the county clerk that the voting precinct  
1401 map is correct or notify the county clerk that the map is incorrect.

1402 (e) If the county clerk receives notice from the lieutenant governor that the voting  
1403 precinct map is incorrect, the county clerk shall:

1404 (i) make the corrections necessary to conform the voting precinct map to the  
1405 redistricting boundary data; and

1406 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the  
1407 Utah Geospatial Resource Center for a new review under this Subsection (4).

1408 Section 24. Section **36-1a-106**, which is renumbered from Section 36-1-104 is  
1409 renumbered and amended to read:

1410 ~~[36-1-104]~~. **36-1a-106. Omissions from maps -- How resolved.**

1411 (1) If any area of the state is omitted from a Utah State Senate district in the Senate  
1412 shapefile in the possession of the lieutenant governor's office, the county clerk of the affected  
1413 county, upon discovery of the omission, shall attach the area to the appropriate Senate district  
1414 according to the requirements of Subsections (2) and (3).

1415 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall  
1416 attach the area to that district.

1417 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk  
1418 shall attach the area to the district that has the least population, as determined by the Utah  
1419 Population Committee.

1420 (4) The county clerk shall certify in writing and file with the lieutenant governor any  
1421 attachment made under this section.

1422 Section 25. Section **36-1a-107**, which is renumbered from Section 36-1-105 is

1423 renumbered and amended to read:

1424 ~~[36-1-105]~~. 36-1a-107. **Uncertain boundaries -- How resolved.**

1425 (1) As used in this section:

1426 (a) "Affected party" means:

1427 (i) a senator whose Utah State Senate district boundary is uncertain because the feature  
1428 used to establish the district boundary in the Senate shapefile has been removed, modified, or is  
1429 unable to be identified or who is uncertain about whether the senator or another individual  
1430 resides in a particular Senate district;

1431 (ii) a candidate for senator whose Senate district boundary is uncertain because the  
1432 feature used to establish the district boundary in the Senate shapefile has been removed,  
1433 modified, or is unable to be identified or who is uncertain about whether the candidate or  
1434 another individual resides in a particular Senate district; or

1435 (iii) an individual who is uncertain about which Senate district contains the individual's  
1436 residence because the feature used to establish the district boundary in the Senate shapefile has  
1437 been removed, modified, or is unable to be identified.

1438 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or  
1439 political subdivision boundary that is used to establish a Senate district boundary.

1440 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
1441 to determine:

1442 (i) the precise location of the Senate district boundary;

1443 (ii) the number of the Senate district in which an individual resides; or

1444 (iii) both Subsections (2)(a)(i) and (ii).

1445 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
1446 governor shall review:

1447 (i) the Senate block equivalency file and the resulting Senate shapefile; and

1448 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about  
1449 the area.

1450 (c) Within five days after the day on which the lieutenant governor receives the request  
1451 described in Subsection (2)(a), the lieutenant governor shall:

1452 (i) complete the review described in Subsection (2)(b); and

1453 (ii) make a determination.

- 1454 (d) When the lieutenant governor determines the location of the Senate district  
1455 boundary, the lieutenant governor shall:
- 1456 (i) prepare a certification identifying the appropriate Senate district boundary and  
1457 attaching a map, if necessary; and
- 1458 (ii) send a copy of the certification to:
- 1459 (A) the affected party;
- 1460 (B) the county clerk of the affected county; and
- 1461 (C) the Utah Geospatial Resource Center created under Section [63A-16-505](#).
- 1462 (e) If the lieutenant governor determines the number of the Senate district in which a  
1463 particular individual resides, the lieutenant governor shall send a letter identifying that district  
1464 by number to:
- 1465 (i) the individual;
- 1466 (ii) the affected party who filed the petition, if different than the individual whose  
1467 Senate district number was identified; and
- 1468 (iii) the county clerk of the affected county.

1469 Section 26. Section **36-1a-201**, which is renumbered from Section 36-1-201.1 is  
1470 renumbered and amended to read:

1471 **Part 2. Utah House of Representatives**

1472 ~~[36-1-201.1]~~. **36-1a-201. Definitions.**

1473 As used in this part:

- 1474 (1) "Census block" means any one of the 71,207 individual geographic areas into  
1475 which the Bureau of the Census of the United States Department of Commerce has divided the  
1476 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
1477 tabulation from the 2020 decennial census.
- 1478 (2) "House block equivalency file" means the electronic file designated as  
1479 HB2005\_BEF.txt that assigns each of Utah's 71,207 census blocks to a particular Utah State  
1480 House of Representatives district.
- 1481 (3) "House shapefile" means the electronic shapefile that:
- 1482 (a) is the resulting projection of the House block equivalency file; and
- 1483 (b) stores the boundary of each of the 75 Utah House of Representatives districts.
- 1484 (4) "Shapefile" means the digital vector storage format for storing geometric location



1485 and associated attribute information.

1486 Section 27. Section **36-1a-202**, which is renumbered from Section 36-1-201.5 is  
1487 renumbered and amended to read:

1488 ~~[36-1-201.5]~~. **36-1a-202. Utah House of Representatives -- House district**  
1489 **boundaries.**

1490 (1) The Utah [State] House of Representatives shall consist of 75 members, with one  
1491 member to be elected from each Utah House of Representative district.

1492 (2) The Legislature adopts the official census population figures and maps of the  
1493 Bureau of the Census of the United States Department of Commerce developed in connection  
1494 with the taking of the 2020 national decennial census as the official data for establishing House  
1495 district boundaries.

1496 (3) (a) The Legislature enacts the district numbers and boundaries of the House of  
1497 Representatives districts designated in the House block equivalency file and resulting House  
1498 shapefile that is the electronic component of Laws of Utah 2021, Second Special Session,  
1499 Chapter 5:

1500 (i) for purposes of nominating and electing members of the Utah State House of  
1501 Representatives beginning January 1, 2022; and

1502 (ii) for all other purposes beginning January 1, 2023.

1503 (b) The Legislature shall ensure that the House shapefile, and the legislative boundaries  
1504 generated from the House shapefile, are accessible on the Utah Legislature's website.

1505 Section 28. Section **36-1a-203**, which is renumbered from Section 36-1-202 is  
1506 renumbered and amended to read:

1507 ~~[36-1-202]~~. **36-1a-203. House districts -- Filing -- Legal boundaries.**

1508 (1) (a) The Legislature shall file a copy of the House block equivalency file enacted by  
1509 the Legislature and the resulting House shapefile with the lieutenant governor's office.

1510 (b) The legal boundaries of House districts are contained in the House shapefile on file  
1511 with the lieutenant governor's office.

1512 (2) (a) The lieutenant governor shall:

1513 (i) verify the House block equivalency file that the Legislature files under Subsection  
1514 (1) using block equivalency file security code "12aedd41d1bb9feedeee526ed9f74eb2" and the  
1515 corresponding House shapefile;

1516 (ii) generate maps of each House district from the House shapefile; and  
1517 (iii) ensure that the district maps are available for viewing on the lieutenant governor's  
1518 website.

1519 (b) If there is any inconsistency between the district maps and the House shapefile  
1520 resulting from the House block equivalency file, the House shapefile is controlling.

1521 Section 29. Section **36-1a-204**, which is renumbered from Section 36-1-202.2 is  
1522 renumbered and amended to read:

1523 ~~[36-1-202.2]~~. **36-1a-204. County clerk, Utah Geospatial Resource Center,**  
1524 **and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

1525 (1) As used in this section, "redistricting boundary data" means the House shapefile in  
1526 the possession of the lieutenant governor's office.

1527 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the  
1528 clerk's county from the lieutenant governor's office.

1529 (3) (a) A county clerk may create one or more county maps that identify the boundaries  
1530 of House districts as generated from the redistricting boundary data.

1531 (b) Before publishing or distributing any map or data created by the county clerk that  
1532 identifies the boundaries of House districts within the county, the clerk shall submit the county  
1533 map and data to the lieutenant governor and to the Utah Geospatial Resource Center for  
1534 review.

1535 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah  
1536 Geospatial Resource Center shall:

1537 (i) review the county map and data to evaluate if the county map and data accurately  
1538 reflect the boundaries of House districts established by the Legislature in the redistricting  
1539 boundary data;

1540 (ii) determine whether the county map and data are correct or incorrect; and

1541 (iii) communicate those findings to the lieutenant governor.

1542 (d) The lieutenant governor shall either notify the county clerk that the county map and  
1543 data are correct or notify the county clerk that the county map and data are incorrect.

1544 (e) If the county clerk receives notice from the lieutenant governor that the county map  
1545 and data submitted are incorrect, the county clerk shall:

1546 (i) make the corrections necessary to conform the county map and data to the

1547 redistricting boundary data; and

1548 (ii) resubmit the corrected county map and data to the lieutenant governor and to the  
1549 Utah Geospatial Resource Center for a new review under this Subsection (3).

1550 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall  
1551 establish voting precincts and polling places within each House district according to the  
1552 procedures and requirements of Section [20A-5-303](#).

1553 (b) Within five working days after approval of voting precincts and polling places by  
1554 the county legislative body as required by Section [20A-5-303](#), each county clerk shall submit a  
1555 voting precinct map identifying the boundaries of each voting precinct within the county to the  
1556 lieutenant governor and to the Utah Geospatial Resource Center for review.

1557 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah  
1558 Geospatial Resource Center shall:

1559 (i) review the voting precinct map to evaluate if the county map accurately reflects the  
1560 boundaries of House districts established by the Legislature in the redistricting boundary data;

1561 (ii) determine whether the voting precinct map is correct or incorrect; and

1562 (iii) communicate those findings to the lieutenant governor.

1563 (d) The lieutenant governor shall either notify the county clerk that the voting precinct  
1564 map is correct or notify the county clerk that the voting precinct map is incorrect.

1565 (e) If the county clerk receives notice from the lieutenant governor that the voting  
1566 precinct map is incorrect, the county clerk shall:

1567 (i) make the corrections necessary to conform the voting precinct map to the  
1568 redistricting boundary data; and

1569 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the  
1570 Utah Geospatial Resource Center for a new review under this Subsection (4).

1571 Section 30. Section **36-1a-205**, which is renumbered from Section 36-1-203 is  
1572 renumbered and amended to read:

1573 **~~[36-1-203]~~. 36-1a-205. Omissions from maps -- How resolved.**

1574 (1) If any area of the state is omitted from a Utah State House of Representatives  
1575 district in the House shapefile in the possession of the lieutenant governor's office, the county  
1576 clerk of the affected county, upon discovery of the omission, shall attach the area to the  
1577 appropriate House district according to the requirements of Subsections (2) and (3).

1578 (2) If the omitted area is surrounded by a single House district, the county clerk shall  
1579 attach the area to that district.

1580 (3) If the omitted area is contiguous to two or more House districts, the county clerk  
1581 shall attach the area to the district that has the least population, as determined by the Utah  
1582 Population Committee.

1583 (4) The county clerk shall certify in writing and file with the lieutenant governor any  
1584 attachment made under this section.

1585 Section 31. Section **36-1a-206**, which is renumbered from Section 36-1-204 is  
1586 renumbered and amended to read:

1587 **[36-1-204]. 36-1a-206. Uncertain boundaries -- How resolved.**

1588 (1) As used in this section:

1589 (a) "Affected party" means:

1590 (i) a representative whose Utah State House of Representatives district boundary is  
1591 uncertain because the feature used to establish the district boundary in the House shapefile has  
1592 been removed, modified, or is unable to be identified or who is uncertain about whether the  
1593 representative or another individual resides in a particular House district;

1594 (ii) a candidate for representative whose House district boundary is uncertain because  
1595 the feature used to establish the district boundary in the House shapefile has been removed,  
1596 modified, or is unable to be identified or who is uncertain about whether the candidate or  
1597 another individual resides in a particular House district; or

1598 (iii) an individual who is uncertain about which House district contains the individual's  
1599 residence because the feature used to establish the district boundary in the House shapefile has  
1600 been removed, modified, or is unable to be identified.

1601 (b) "Feature" means a geographic or other identifiable tangible or intangible object  
1602 such as a road or political subdivision boundary that is used to establish a House district  
1603 boundary.

1604 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
1605 to determine:

1606 (i) the precise location of the House district boundary;

1607 (ii) the number of the House district in which an individual resides; or

1608 (iii) both Subsections (2)(a)(i) and (ii).

- 1609 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
 1610 governor shall review:
- 1611 (i) the House block equivalency file and the resulting House shapefile; and  
 1612 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about  
 1613 the area.
- 1614 (c) Within five days of receipt of the request, the lieutenant governor shall:
- 1615 (i) complete the review described in Subsection (2)(b); and  
 1616 (ii) make a determination.
- 1617 (d) When the lieutenant governor determines the location of the House district  
 1618 boundary, the lieutenant governor shall:
- 1619 (i) prepare a certification identifying the appropriate House district boundary and  
 1620 attaching a map, if necessary; and  
 1621 (ii) send a copy of the certification to:
- 1622 (A) the affected party;  
 1623 (B) the county clerk of the affected county; and  
 1624 (C) the Utah Geospatial Resource Center created under Section [63A-16-505](#).
- 1625 (e) If the lieutenant governor determines the number of the House district in which a  
 1626 particular individual resides, the lieutenant governor shall send a letter identifying that district  
 1627 by number to:
- 1628 (i) the individual;  
 1629 (ii) the affected party who filed the petition, if different than the individual whose  
 1630 House district number was identified; and  
 1631 (iii) the county clerk of the affected county.

1632 Section 32. Section **36-2a-101**, which is renumbered from Section 36-3-201 is  
 1633 renumbered and amended to read:

1634 **CHAPTER 2a. PROVISIONS GOVERNING THE LEGISLATURE GENERALLY**

1635 **Part 1. General Provisions**

1636 ~~[36-3-201]~~. **36-2a-101**. **Beginning date of annual general session.**

1637 The annual general session of the Legislature shall begin the first Tuesday after the  
 1638 third Monday in January.

1639 Section 33. Section **36-2a-102**, which is renumbered from Section 36-3-301 is

1640 renumbered and amended to read:

1641 ~~[36-3-301].~~ **36-2a-102. Enacting clause.**

1642 (1) The enacting clause of every law passed by the Legislature shall be: "Be it enacted  
1643 by the Legislature of the state of Utah."

1644 (2) The enacting clause of every law passed by the vote of the people as provided in  
1645 Article VI, Section 1, of the Constitution of Utah shall be: "Be it enacted by the People of the  
1646 state of Utah."

1647 Section 34. Section **36-2a-103**, which is renumbered from Section 36-3-306 is  
1648 renumbered and amended to read:

1649 ~~[36-3-306].~~ **36-2a-103. Enrolling of bills.**

1650 ~~[All bills ordered enrolled by the Legislature shall be delivered to the Office of  
1651 Legislative Research and General Counsel, who shall without delay enroll the bills and]~~

1652 (1) Except as provided in Subsection (1)(b), the Senate and the House of  
1653 Representatives shall:

1654 (a) deliver each bill passed by the Legislature to the Office of Legislative Research and  
1655 General Counsel; and

1656 (b) deliver each appropriation bill to the Office of the Legislative Fiscal Analyst.

1657 (2) The Office of Legislative Research and General Counsel and the Office of the  
1658 Legislative Fiscal Analyst shall:

1659 (a) enroll the bills submitted to them; and

1660 (b) return [them] the bills to the secretary of the Senate or chief clerk of the House of  
1661 Representatives to be submitted to the governor.

1662 Section 35. Section **36-2a-104** is enacted to read:

1663 **36-2a-104. State government entities to provide records.**

1664 Each department, division, commission, agency, or other instrumentality of state  
1665 government shall, upon request, furnish to all the legislative committees and subcommittees  
1666 and legislative staff any document, reports, or information available within the department.

1667 Section 36. Section **36-2a-105**, which is renumbered from Section 36-12-17 is  
1668 renumbered and amended to read:

1669 ~~[36-12-17].~~ **36-2a-105. Duties of the President of the Senate and the Speaker of  
1670 the House of Representatives.**

1671 ~~[(1) It shall be the duty of the presiding officer and the majority and minority leaders of~~  
1672 ~~each house to perform the following for their respective house:]~~

1673 (1) The president of the Senate and the speaker of the House of Representatives shall:

1674 (a) ~~[to]~~ subject to Section 36-2a-401, manage legislative space for their ~~[house]~~  
1675 chamber within the state capitol;

1676 (b) ~~[to]~~ acquire, manage, and supervise office equipment and machines, data  
1677 processing equipment, public address equipment, and other equipment and facilities needed by  
1678 their ~~[house]~~ chamber, members, and [its] committees, exclusive of equipment and facilities  
1679 required by ~~[professional]~~ nonpartisan legislative staff;

1680 ~~[(c) to employ, train, and supervise clerical help needed to serve all interim committees~~  
1681 ~~and the Legislative Management Committee, except clerical help employed to assist~~  
1682 ~~professional legislative staff;]~~

1683 ~~[(d) to]~~ (c) supervise payment of per diem compensation and travel expenses of the  
1684 members of their [house while in session] chamber; [and]

1685 ~~[(e) to]~~ (d) review and determine whether to approve requests by members of their  
1686 [house] chamber for out-of-state travel on legislative business and [to supervise] provide for  
1687 the reimbursement of [actual and necessary expenses for such travel.] those approved expenses;  
1688 and

1689 (e) set salary ranges and pay rates for full and part-time employees of the Senate and  
1690 the House of Representatives, the president of the Senate for senate employees and the speaker  
1691 of the House of Representatives for house employees.

1692 (2) The speaker of the House of Representatives and the president of the Senate may  
1693 ~~[perform additional services for legislators, including but not limited to the following]:~~

1694 ~~[(a) to]~~ (a) provide [at the state capitol secretarial services] administrative assistance to  
1695 all legislators of their [house requesting assistance with files and correspondence] chamber  
1696 when that administrative assistance is directly related to legislative business; [at the discretion  
1697 of the minority political party, a secretary may be designated by the minority party; and]

1698 ~~[(b) to serve as an information source to the public in informing the citizenry of matters~~  
1699 ~~currently before the Legislature and its committees and to]~~

1700 (b) provide information to the public and the media about the activities of the  
1701 Legislature; and

1702           (c) prepare and distribute material to instruct the general public on the functions and  
1703 operation of the Legislature.

1704           (3) [~~By agreement between~~] If the speaker of the House of Representatives and the  
1705 president of the Senate agree, any of the duties assigned to them by this section may be  
1706 administered jointly for the two [~~houses~~] chambers by the [~~chairman~~] chair of the Legislative  
1707 Management Committee.

1708           ~~[(4) The chairman of the Legislative Management Committee shall supervise the~~  
1709 ~~payment of per diem compensation and in-state travel expenses of members of the Legislative~~  
1710 ~~Management Committee and all interim committees.]~~

1711           Section 37. Section **36-2a-106**, which is renumbered from Section 36-12-21 is  
1712 renumbered and amended to read:

1713           ~~[36-12-21].~~   **36-2a-106. Legislators serving in organizations without legislative**  
1714 **sanction -- Prohibited participation.**

1715           ~~[(1) The Legislative IT Steering Committee created by the Legislative Management~~  
1716 ~~Committee on July 17, 2007, is dissolved.]~~

1717           ~~[(2)]~~ (1) (a) Except as provided in Subsection (2)~~[(b): (i)]~~, a legislator may not serve  
1718 on:

1719           ~~[(A)]~~ (i) the Committee on Children and Family Law created under Judicial Rule  
1720 1-205;

1721           ~~[(B)]~~ (ii) the Governor's Child and Family Cabinet Council created under Executive  
1722 Order 2007-0005;

1723           ~~[(C)]~~ (iii) the Utah Commission on Literacy created under Executive Order 2004-0011;

1724           ~~[(D)]~~ (iv) the Utah Developmental Disabilities Council created under Executive Order  
1725 2006-0001; or

1726           ~~[(E)]~~ (v) the Utah Multicultural Commission created under Executive Order  
1727 EO/007/2013; and

1728           ~~[(F)]~~ (b) the speaker of the House of Representatives or the president of the Senate may  
1729 not appoint a legislator, and a legislator may not serve in the legislator's capacity as a legislator,  
1730 on the Utah Lake Commission.

1731           ~~[(b)]~~ (2) The Legislative Management Committee may, on a case-by-case basis,  
1732 approve:



1733            [(i)] (a) a legislator to serve on an entity described in Subsection [(2)(a)(i)] (1)(a); or  
 1734            [(ii)] (b) an action that is otherwise prohibited under Subsection [(2)(a)(ii)] (1)(b).  
 1735            Section 38. Section **36-2a-107**, which is renumbered from Section 36-19-1 is  
 1736 renumbered and amended to read:

1737            ~~[36-19-1].~~    **36-2a-107. Conflict of interest -- Prohibition of benefit.**

1738            (1) A legislator, a member of [his] the legislator's household, or a client ~~[shall not be]~~  
 1739 commits procurement conflict of interest if the legislator, household member, or client is a  
 1740 party to, or [have] has an interest in the profits or benefits of, a state contract when the state  
 1741 contract is the direct result of a bill [sponsored by the] for which the legislator was the lead  
 1742 sponsor or opposite chamber sponsor unless:

1743            (a) the contract is let in compliance with Title 63G, Chapter 6a, Utah Procurement  
 1744 Code and state procurement policies; and [is open to the general public.]

1745            (b) is classified as public under Title 63G, Chapter 2, Government Records Access and  
 1746 Management Act.

1747            (2) ~~[Any person violating this section shall be guilty of]~~ A violation of Subsection (1)  
 1748 is a class B misdemeanor.

1749            Section 39. Section **36-2a-108**, which is renumbered from Section 36-12-9.5 is  
 1750 renumbered and amended to read:

1751            ~~[36-12-9.5].~~    **36-2a-108. Obstructing a legislative proceeding.**

1752            (1) As used in this section, "legislative proceeding" means an investigation or audit  
 1753 conducted by:

1754            (a) the Legislature, or a house, committee, subcommittee, or task force of the  
 1755 Legislature; or

1756            (b) an employee or independent contractor of an entity described in Subsection (1)(a),  
 1757 acting at or under the direction of an entity described in Subsection (1)(a).

1758            (2) Except as described in Subsection (3), ~~[a person is guilty of a class A~~  
 1759 misdemeanor] an actor commits obstruction of a legislative proceeding if the person, with  
 1760 intent to hinder, delay, or prevent a legislative proceeding:

1761            (a) provides a person with a weapon;

1762            (b) prevents a person, by force, intimidation, or deception, from performing any act  
 1763 that might aid the legislative proceeding;

- 1764 (c) alters, destroys, conceals, or removes any item or other thing;
- 1765 (d) makes, presents, or uses an item, document, or thing known by the person to be
- 1766 false;
- 1767 (e) makes a false material statement, not under oath, to:
- 1768 (i) the Legislature, or a house, committee, subcommittee, or task force of the
- 1769 Legislature; or
- 1770 (ii) an employee or independent contractor of an entity described in Subsection
- 1771 (2)(e)(i);
- 1772 (f) harbors or conceals a person;
- 1773 (g) provides a person with transportation, disguise, or other means of avoiding
- 1774 discovery or service of process;
- 1775 (h) warns any person of impending discovery or service of process;
- 1776 (i) conceals an item, information, document, or thing that is not privileged after a
- 1777 legislative subpoena is issued for the item, information, document, or thing; or
- 1778 (j) provides false information regarding a witness or a material aspect of the legislative
- 1779 proceeding.
- 1780 (3) Subsection (2) does not include:
- 1781 (a) false or inconsistent material statements, as described in Section 76-8-502;
- 1782 (b) tampering with a witness or soliciting or receiving a bribe, as described in Section
- 1783 76-8-508;
- 1784 (c) retaliation against a witness, victim, or informant, as described in Section
- 1785 76-8-508.3; or
- 1786 (d) extortion or bribery to dismiss a criminal proceeding, as described in Section
- 1787 76-8-509.
- 1788 (4) A violation of this section is a class A misdemeanor.
- 1789 Section 40. Section **36-2a-201**, which is renumbered from Section 36-27-102 is
- 1790 renumbered and amended to read:

**Part 2. Legislature's Counsel to United States Senators**

- 1791 ~~[36-27-102]~~. **36-2a-201. Legislative counsel to United States Senators.**
- 1792 (1) The Legislature may provide counsel to United States senators representing Utah.
- 1793 (2) The Legislature may request that United States senators representing Utah provide a
- 1794

1795 single response or periodic reports to the Legislature on:

1796 (a) each senator's progress with or response to the counsel given under Subsection (1);

1797 or

1798 (b) other issues as determined by the Legislature.

1799 Section 41. Section **36-2a-202**, which is renumbered from Section 36-27-103 is  
1800 renumbered and amended to read:

1801 ~~[36-27-103]~~. **36-2a-202. Resolution of the Legislature -- Written**  
1802 **statement.**

1803 (1) The Legislature may provide any counsel or reporting requests under Section  
1804 ~~[36-27-102]~~ 36-2a-201 by:

1805 (a) passing a joint resolution of the Legislature; or

1806 (b) issuing a written statement that contains the signatures of a majority of the  
1807 members of the House and a majority of the members of the Senate.

1808 (2) A written statement under Subsection (1)(b) shall be referred to as "The  
1809 Legislature's Counsel to United States Senators Representing Utah."

1810 Section 42. Section **36-2a-203**, which is renumbered from Section 36-27-104 is  
1811 renumbered and amended to read:

1812 ~~[36-27-104]~~. **36-2a-203. Issuance of resolution or written statement --**  
1813 **Reporting requirements.**

1814 (1) ~~[(a) Any]~~ The president of the Utah Senate and the speaker of the Utah House of  
1815 Representatives shall ensure that a copy of the resolution or written statement [that is] issued  
1816 under this chapter [shall be] is sent to:

1817 (a) each United States senator representing Utah[-]; and

1818 ~~[(b) A copy of any resolution or written statement that is issued under this chapter shall~~  
1819 ~~be sent to each representative from the state serving in Congress.]~~

1820 ~~[(2) Each resolution or written statement issued under this chapter shall specify that a~~  
1821 ~~United States senator shall provide the following to the Office of Legislative Research and~~  
1822 ~~General Counsel when submitting a report in response to a resolution or written statement:]~~

1823 (b) each representative from Utah serving in the United States House of  
1824 Representatives.

1825 (2) In drafting a resolution or written statement under this chapter, the Office of

1826 Legislative Research and General Counsel shall ensure that the resolution or statement requires  
 1827 that:

1828 (a) each United States senator provide a written response to the resolution or statement;

1829 and

1830 (b) the response contain:

1831 ~~[(a)]~~ (i) prior notice of any verbal response or report; or

1832 ~~[(b)]~~ (ii) a copy of any written response or report.

1833 (3) The Office of Legislative Research and General Counsel shall maintain a record of:

1834 (a) any resolution or written statement issued under this chapter; and

1835 (b) each response and report provided to the Legislature by a United States senator in  
 1836 response to a resolution or written statement issued under this chapter.

1837 Section 43. Section **36-2a-301** is enacted to read:

1838 **Part 3. Salary and Expenses of Legislators**

1839 **36-2a-301. Definitions.**

1840 As used in this part, "salary" means the amount paid to compensate a legislator for the  
 1841 annual general session, a veto-override session, a special session, or an authorized legislative  
 1842 meeting.

1843 Section 44. Section **36-2a-302**, which is renumbered from Section 36-2-4 is  
 1844 renumbered and amended to read:

1845 ~~[36-2-4].~~ **36-2a-302. Legislative Compensation Commission created --**

1846 **Governor's considerations in appointments -- Organization and expenses.**

1847 (1) There is created a [state] Legislative Compensation Commission composed of  
 1848 seven members appointed by the governor, not more than four of whom shall be from the same  
 1849 political party.

1850 (2) (a) Except as required by Subsection (2)(b), the members shall be appointed for  
 1851 four-year terms.

1852 (b) ~~[Notwithstanding the requirements of Subsection (2)(a), the]~~ The governor shall, at  
 1853 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 1854 board members are staggered so that approximately half of the board is appointed every two  
 1855 years.

1856 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

1857 appointed for the unexpired term in the same manner as the vacated member was chosen.

1858 (3) (a) In appointing members of the commission, the governor shall give consideration  
1859 to achieving representation from the major geographic areas of the state, and representation  
1860 from a broad cross section of occupational, professional, employee, and management interests.

1861 (b) The governor may not appoint an officer, member, or employee of the legislative,  
1862 executive, or judicial branches to serve as a member of the commission.

1863 (4) (a) The commission shall select a chair.

1864 (b) Four members of the commission [~~shall constitute~~] are a quorum.

1865 (c) The commission [~~shall~~] may not make any final determination without the  
1866 concurrence of a majority of the commission's members appointed and serving on the  
1867 commission being present.

1868 (5) A member may not receive compensation or benefits for the member's service, but  
1869 may receive per diem and travel expenses in accordance with:

1870 (a) Section 63A-3-106;

1871 (b) Section 63A-3-107; and

1872 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1873 63A-3-107.

1874 [~~(6) (a) The commission shall be a citizen commission and no member or employee of~~  
1875 ~~the legislative, judicial, or executive branch is eligible for appointment to the commission.~~]

1876 [~~(b)~~] (6) The executive director of the Governor's Office of Planning and Budget shall  
1877 provide:

1878 [~~(i) shall provide~~]

1879 (a) staff to the commission; and

1880 [~~(ii) is responsible for~~]

1881 (b) administration, budgeting, procurement, and related management functions [~~for~~] to  
1882 the commission.

1883 Section 45. Section **36-2a-303**, which is renumbered from Section 36-2-5 is  
1884 renumbered and amended to read:

1885 [~~36-2-5~~]. **36-2a-303. Duties of Legislative Compensation Commission.**

1886 (1) (a) The Legislative Compensation Commission shall:

1887 [~~(a)~~] (i) study and [~~formulate~~] make salary recommendations [~~concerning the salary~~]

1888 levels] for Utah state legislators;

1889 ~~[(b)]~~ (ii) base the study and recommendations upon maintaining a citizen Legislature in  
1890 Utah, but compensating members fairly for their service in order that all individuals ~~[would]~~  
1891 may have an opportunity to serve;

1892 ~~[(c)]~~ (iii) in developing recommendations, consider the salaries of other similar state  
1893 legislators and other ~~[such]~~ relevant factors; and

1894 ~~[(d)]~~ (iv) submit to each member of the Legislature, ~~[by]~~ on or before January ~~[2nd]~~ 2  
1895 of each even-numbered year, recommendations~~[-(i)]~~ concerning changes, if any, ~~[which]~~ that  
1896 should be made in the salary plan and ~~[its]~~ the plan's administration for state legislators~~[-and]~~.  
1897 ~~[(ii) include a recitation of the provisions of Section 36-2-3.]~~

1898 (b) The Legislative Compensation Commission shall set the salary rate at either:

1899 (i) a daily rate for each calendar day of the annual general session and for each day a  
1900 legislator attends a veto-override session, special session, or other authorized legislative  
1901 meeting; or

1902 (ii) an annual rate that provides total compensation for the annual general session,  
1903 special sessions, veto-override sessions, and authorized legislative meetings.

1904 (c) In preparing the commission's recommendations, the commission may recommend  
1905 salary amounts that provide alternative salary amounts based upon the occurrence of various  
1906 contingencies.

1907 (2) (a) The Legislative Compensation Commission shall set the salary for a member of  
1908 the State Board of Education at the same rate as the salary the commission sets for the  
1909 Legislature.

1910 (b) If the commission chooses to set a daily rate for each legislator's salary, the  
1911 commission shall set a daily rate for each member of the State Board of Education that counts  
1912 each meeting of the State Board of Education, and any other meeting authorized by the State  
1913 Board of Education that board members attend, as equivalent to an annual general session  
1914 calendar day.

1915 ~~[(2)]~~ (3) The Legislative Compensation Commission may issue reports subsequent to  
1916 January 2 of an even-numbered year containing revised salary recommendations, including  
1917 salary recommendations contingent upon certain action being taken by the Legislature.

1918 ~~[(3) As provided in Subsection 36-2-3(1)(c), in formulating its recommendations, the~~

1919 ~~commission may take into account]~~

1920           (4) The Legislative Compensation Commission may, in formulating recommendations,  
1921 consider the amounts received by legislators for legislative expenses, but may not review or  
1922 comment in the recommendations on the propriety of, or recommend amounts for, legislative  
1923 expenses.

1924           Section 46. Section **36-2a-304**, which is renumbered from Section 36-2-3 is  
1925 renumbered and amended to read:

1926           ~~[36-2-3].~~       **36-2a-304. Salaries of members set by Legislature and State Board**  
1927 **of Education based on recommendations of Legislative Compensation Commission.**

1928           (1) ~~[(a)]~~ Except as provided in Subsection (2) or (3), ~~[the salaries of members of the~~  
1929 ~~Legislature shall automatically be set]~~ each member of the Legislature and each member of the  
1930 State Board of Education shall receive a salary set automatically beginning January 1 of each  
1931 odd-numbered year at the amount recommended by the Legislative Compensation Commission  
1932 in the last report issued by the commission in the preceding even-numbered year.

1933           ~~[(b) This salary recommendation shall be based on either:]~~

1934           ~~[(i) a daily basis:]~~

1935           ~~[(A) for each calendar day for annual general sessions; and]~~

1936           ~~[(B) for each day a legislator attends veto-override and special sessions and other~~  
1937 ~~authorized legislative meetings; or]~~

1938           ~~[(ii) an annualized salary.]~~

1939           ~~[(c) In preparing its report, the commission may recommend salary amounts that:]~~

1940           ~~[(i) take into account the amounts received by legislators for legislative expenses; and]~~

1941           ~~[(ii) provide alternative salary amounts based upon the occurrence of various~~  
1942 ~~contingencies.]~~

1943           (2) (a) During an even-numbered annual general session or special session in the year  
1944 immediately ~~[preceding]~~ before the effective date of any salary change, the Legislature may  
1945 reject or decrease the salary recommendation, but may not increase the salary recommendation.

1946           (b) If the Legislature does not act as provided in Subsection (2)(a), they have by law  
1947 accepted the Legislative Compensation Commission's recommendations contained in the last  
1948 report issued by the commission in the preceding even-numbered year.

1949           (3) If the last report issued by the commission in an even-numbered year recommends a

1950 salary contingent upon certain action being taken by the Legislature, that contingent legislative  
1951 salary:

1952 (a) takes effect on the day after the day that the contingent action is taken by the  
1953 Legislature; and

1954 (b) supersedes any other salary in effect as of January 1.

1955 (4) (a) The salary for a member of the State Board of Education [~~shall be~~] is:

1956 (i) the same as the salary for a member of the Legislature; and

1957 (ii) except as provided in Subsection (4)(b), set in accordance with this section [~~and~~  
1958 Subsection ~~36-2-2~~(1)].

1959 (b) For purposes of setting the salary for a member of the State Board of Education:

1960 (i) a calendar day for the annual general session [~~described in Subsection (1)(b)(i)(A)~~]  
1961 is interpreted as a calendar day of:

1962 (A) a meeting of the State Board of Education; and

1963 (B) any other meeting authorized by the State Board of Education; and

1964 (ii) unless the Legislative Compensation Commission issues a revised report on or after  
1965 July 1, 2016, the salary for a member of the State Board of Education through calendar year  
1966 2016 is \$273 per day for each calendar day that a member attends a meeting described in  
1967 Subsection (4)(b)(i)(A) or (B).

1968 Section 47. Section ~~36-2a-401~~, which is renumbered from Section 36-5-1 is  
1969 renumbered and amended to read:

1970 **Part 4. Legislative Area on Capitol Hill**

1971 [~~36-5-1~~]. **36-2a-401. Reservation of area for Legislature -- Duties of**

1972 **Legislative Management Committee.**

1973 (1) As used in this section:

1974 (a) "Architectural integrity" means the architectural elements, materials, color, and  
1975 quality of the original building construction.

1976 (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other  
1977 man-made and natural objects within the area bounded by 300 North Street, Columbus Street,  
1978 500 North Street, and East Capitol Boulevard, and includes:

1979 (i) the White Community Memorial Chapel and its grounds and parking areas, and the  
1980 Council Hall Travel Information Center building and its grounds and parking areas;



1981 (ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and  
 1982 other state-owned property included within the area bounded by Columbus Street, North Main  
 1983 Street, and Apricot Avenue;

1984 (iii) the state-owned property included within the area bounded by Columbus Street,  
 1985 Wall Street, and 400 North Street; and

1986 (iv) the state-owned property included within the area bounded by Columbus Street,  
 1987 West Capitol Street, and 500 North Street.

1988 (c) "House Building" means the west building on capitol hill that is located northwest  
 1989 of the State Capitol [~~and southwest of the State Office Building~~].

1990 (d) "Legislative area" means the buildings, chambers, rooms, hallways, lounges,  
 1991 parking lots, and parking garages designated by this section as being subject to legislative  
 1992 control.

1993 (e) "Senate Building" means the east building on capitol hill that is located northeast of  
 1994 the State Capitol [~~and southeast of the State Office Building~~].

1995 (f) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

1996 (g) "State Capitol Preservation Board" or "board" is as created in Section [63C-9-201](#).

1997 (2) The legislative area on capitol hill includes:

1998 (a) in the State Capitol:

1999 (i) on the fourth floor: the entire floor and the stairs and elevators on the east and west  
 2000 side, except that the four art galleries and the four closets on the interior of the State Capitol  
 2001 which are immediately around the art galleries are under the supervision of the board;

2002 (ii) on the third floor: the entire floor, including the stairs and elevators on the east and  
 2003 west side of the third floor, except~~[(A)]~~ the Supreme Court chambers<sub>2</sub>, which is to be  
 2004 controlled and scheduled by the Legislature during any general or special session of the  
 2005 Legislature and on interim days and controlled and scheduled by the Secretary of the Senate on  
 2006 all other days; and

2007 [~~(B) one office on the southeast side by the Senate Rules Room which is to be~~  
 2008 ~~controlled by the Senate during any general or special session of the Legislature and on interim~~  
 2009 ~~days, and shared with the Supreme Court as scheduled through the Secretary of the Senate on~~  
 2010 ~~all other days; and]~~

2011 [~~(C) the Senate Rules Room, which Senate Rules Room is to be controlled by the~~

2012 ~~Senate during any general or special session of the Legislature and on interim days, and shared~~  
2013 ~~with the Supreme Court as scheduled through the Secretary of the Senate on all other days;]~~

2014 (iii) on the second floor: a committee room on the northeast side which is to be  
2015 controlled and scheduled by the Legislature during any general or special session of the  
2016 Legislature and on interim days and controlled and scheduled by the State Capitol Preservation  
2017 Board on all other days;

2018 (iv) on the first floor: no legislative space; and

2019 (v) on the basement level:

2020 ~~[(A) the Office of Legislative Printing, and]~~

2021 (A) the space occupied by Legislative Printing, legislative administrative and financial  
2022 support, and legislative human resources;

2023 (B) the space occupied by legislative information technology services;

2024 ~~[(B)]~~ (C) the audio/video control rooms are to be controlled by the Legislature and the  
2025 governor and scheduled by the Legislature, and the maintenance of the control rooms shall be  
2026 by the State Capitol Preservation Board at the direction of the Legislature and the governor;  
2027 and

2028 (D) during any general or special session, space allocated for use by House of  
2029 Representatives and Senate security staff;

2030 (b) the entire House Building;

2031 (c) in the Senate Building:

2032 (i) on the third floor: no legislative space;

2033 (ii) on the second floor: the entire floor, including the secured elevator, is legislative  
2034 space;

2035 (iii) on the first floor: the secured corridor to the secured elevator is legislative and  
2036 executive space controlled by the State Capitol Preservation Board; and

2037 (iv) on the basement level: the secured elevator is legislative space; and

2038 (d) (i) the parking stalls in the underground parking facility located directly east of the  
2039 House Building and below the central plaza;

2040 (ii) 52 of the parking stalls in the above ground parking lot known as Lot G located  
2041 north of the House Building and west of the State Office Building;

2042 (iii) 26 of the parking stalls in the underground parking located directly under the

2043 Senate Building; and

2044 (iv) 58 of the parking stalls in the underground parking facility directly east of the  
2045 Senate Building.

2046 (3) (a) The legislative area is reserved for the use and occupancy of the Legislature and  
2047 its committees and for legislative functions.

2048 (b) The Legislative Management Committee shall delegate oversight of designated  
2049 portions of the legislative parking areas to the State Capitol Preservation Board for use by the  
2050 executive branch on nonlegislative days.

2051 (4) The data centers in the House Building, Senate Building, and State Capitol which  
2052 are associated with the House, Senate, or legislative staff space are the responsibility of the  
2053 Legislature, and the maintenance of these data centers shall be by the State Capitol  
2054 Preservation Board at the direction of the Legislature.

2055 (5) The Legislative Management Committee shall exercise complete jurisdiction over  
2056 the legislative area, except for the following, which are the responsibility of the State Capitol  
2057 Preservation Board:

2058 (a) the architectural integrity of the legislative area, including:

2059 (i) restored historic architectural or design features;

2060 (ii) historic color schemes, decorative finishes, and stenciling;

2061 (iii) decorative light fixtures; and

2062 (iv) flooring;

2063 (b) control of the central mechanical and electrical core of the House Building, Senate  
2064 Building, and State Capitol on all floors;

2065 (c) control of the enclosure of the House Building, Senate Building, and State Capitol  
2066 from the exterior of the building to the interior of the exterior wall;

2067 (d) the roof of the House Building, Senate Building, and State Capitol;

2068 (e) the utility and security tunnels between the underground parking structure and the  
2069 House Building, Senate Building, and State Capitol;

2070 (f) rest rooms of the House Building, Senate Building, and State Capitol;

2071 (g) maintenance of all the elevators and stairways in the House Building, Senate  
2072 Building, and State Capitol; and

2073 (h) those functions the Legislative Management Committee delegates in writing to be

2074 performed by the State Capitol Preservation Board.

2075 (6) (a) The communications centers in the Senate Building and State Capitol which are  
 2076 associated with the House, Senate, or legislative staff space or are associated with the governor,  
 2077 lieutenant governor, or their staff space are the shared responsibility of the State Capitol  
 2078 Preservation Board, the Legislature, and the governor.

2079 (b) The communications centers in the House Building which are associated with the  
 2080 House, Senate, or legislative staff space are the shared responsibility of the State Capitol  
 2081 Preservation Board and the Legislature.

2082 Section 48. Section **36-2a-501**, which is renumbered from Section 36-12-19 is  
 2083 renumbered and amended to read:

#### 2084 **Part 5. Legislature's Power to Investigate**

2085 ~~[36-12-19].~~ **36-2a-501. Investigatory powers of the Legislature.**

2086 In the discharge of its legislative investigatory powers, the Legislature, ~~[or either house]~~  
 2087 either chamber, or any legislative committee ~~[thereof,]~~ may:

2088 (1) administer oaths; and

2089 (2) issue subpoenas, compel the attendance of witnesses and the production of any  
 2090 papers, books, accounts, documents, other tangible things, and testimony, by following the  
 2091 procedures contained in Title 36, ~~[Chapter 14, Legislative Subpoena Powers]~~ Chapter 5a,  
 2092 Legislative Subpoenas.

2093 Section 49. Section **36-3a-101**, which is renumbered from Section 36-12-1 is  
 2094 renumbered and amended to read:

### 2095 **CHAPTER 3a. LEGISLATIVE ORGANIZATION**

#### 2096 **Part 1. General Provisions**

2097 ~~[36-12-1].~~ **36-3a-101. Definitions.**

2098 As used in this chapter:

2099 (1) ~~[(a)]~~ "Interim ~~[committees]~~ committee" means ~~[legislative committees that are]~~ a  
 2100 joint committee formed from the membership of each ~~[house]~~ chamber to function between  
 2101 sessions of the Legislature in order to study subjects of legislative concern.

2102 ~~[(b)]~~ "Interim ~~committees~~" includes a commission, committee, council, task force,  
 2103 ~~board, or panel, in which legislative participation is required by law, which committee~~  
 2104 ~~functions between sessions of the Legislature.]~~

2105 (2) "Legislative director" means the director of the Office of Legislative Research and  
 2106 General Counsel, the legislative fiscal analyst, or the legislative auditor general.

2107 ~~[(3) "Major political party" means either of the two political parties having the greatest  
 2108 number of members elected to the two houses of the Legislature.]~~

2109 (3) "Legislative services" means legislative employees performing functions in the  
 2110 human resources area, the information technology services area, the financial and  
 2111 administrative support areas, and Legislative Printing.

2112 (4) "Majority Caucus" means the registered political party as defined in Subsection  
 2113 20A-8-101(4) that has the most members in a chamber of the Legislature.

2114 ~~[(4) "Professional"]~~ (5) Nonpartisan legislative staff" means the [legislative directors  
 2115 and the members of their staffs] employees of the Office of Legislative Research and General  
 2116 Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor  
 2117 General, and Legislative Services.

2118 ~~[(5)]~~ (6) (a) "Standing committees" means legislative committees organized under the  
 2119 rules of each [house] chamber of the Legislature [for the duration of the legislative biennial  
 2120 term] to consider proposed legislation[. As used in this chapter, "standing] during an annual  
 2121 general or special session of the Legislature.

2122 (b) "Standing committees" [excludes] does not mean appropriations committees,  
 2123 appropriations subcommittees, [and] or rules committees.

2124 Section 50. Section ~~36-3a-102~~, which is renumbered from Section 36-12-3 is  
 2125 renumbered and amended to read:

2126 ~~[36-12-3].~~ **36-3a-102. Standing and Interim Committees -- Membership --**  
 2127 **Purpose -- Meetings and rules.**

2128 (1) Before the beginning of each annual general session of the Legislature, the  
 2129 Legislature shall, as provided in legislative rules, organize itself into standing committees for  
 2130 the consideration of proposed legislation.

2131 ~~[(1)]~~ (2) (a) There are [hereby] created interim committees of the Legislature consisting  
 2132 of the members of each [house] chamber.

2133 (b) The speaker of the House of Representatives shall appoint the members from the  
 2134 House of Representatives and the president of the Senate shall appoint the members from the  
 2135 Senate, each taking into consideration suggestions from the minority party in their respective

2136 house.

2137 ~~[(2) The purpose of the committees is to]~~

2138 (c) Each interim committee shall investigate and study matters of legislative concern in  
2139 the interval between general legislative sessions.

2140 ~~[(3) The interim committees shall meet after adjournment sine die of each general~~  
2141 ~~session to organize and to plan study programs. Each]~~

2142 (d) Each interim committee shall operate under rules established by the Legislature.

2143 (3) Nothing in this section prohibits the creation of subcommittees, special committees,  
2144 or ad hoc committees.

2145 Section 51. Section **36-3a-201**, which is renumbered from Section 36-12-6 is  
2146 renumbered and amended to read:

**Part 2. Legislative Management Committee**

2148 ~~[36-12-6].~~ **36-3a-201. Legislative Management Committee -- Membership --**  
2149 **Chair and vice-chair -- Meetings -- Quorum.**

2150 (1) (a) There ~~[are hereby]~~ is established the Legislative Management Committee as a  
2151 permanent ~~[committees]~~ committee of the Legislature. ~~[a House Management Committee and a~~  
2152 ~~Senate Management Committee. The House Management Committee shall consist of eight~~  
2153 ~~members of the House of Representatives, four from each major political party. The~~  
2154 ~~membership shall include the elected leadership of the House of Representatives and additional~~  
2155 ~~members chosen at the beginning of each annual general session by the minority party caucus~~  
2156 ~~as needed to complete the full membership. The chair of the committee shall be the speaker of~~  
2157 ~~the House of Representatives or the speaker's designee. The Senate Management Committee~~  
2158 ~~shall consist of eight members of the Senate, four from each major political party. The~~  
2159 ~~membership shall include the elected leadership of the Senate and additional members chosen~~  
2160 ~~at the beginning of each annual general session by the appropriate party caucus as needed to~~  
2161 ~~complete the full membership. The chair of the committee shall be the president of the Senate~~  
2162 ~~or the president's designee.]~~

2163 ~~[(2) (a) There is established a permanent committee of the Legislature known as the~~  
2164 ~~Legislative Management Committee.]~~

2165 ~~[(b) The committee shall consist of:]~~

2166 ~~[(i) the members of the House Management Committee; and]~~

- 2167 ~~[(ii) the members of the Senate Management Committee.]~~
- 2168 (b) The Legislative Management Committee membership is:
- 2169 (i) the president of the Senate, elected by the Senate;
- 2170 (ii) the majority leader of the Senate, elected by the majority caucus;
- 2171 (iii) the majority whip of the Senate, elected by the majority caucus;
- 2172 (iv) the assistant majority whip of the Senate, elected by the majority caucus;
- 2173 (v) the minority leader of the Senate, elected by the minority caucus;
- 2174 (vi) the minority whip of the Senate, elected by the minority caucus;
- 2175 (vii) the assistant minority whip of the Senate, elected by the minority caucus;
- 2176 (viii) an additional member from the Senate minority, elected by the minority caucus;
- 2177 (ix) the speaker of the House of Representatives, elected by the House of
- 2178 Representatives;
- 2179 (x) the majority leader of the House of Representatives, elected by the majority caucus;
- 2180 (xi) the majority whip of the House of Representatives, elected by the majority caucus;
- 2181 (xii) the assistant majority whip of the House of Representatives, elected by the
- 2182 majority caucus;
- 2183 (xiii) the minority leader of the House of Representatives, elected by the minority
- 2184 caucus;
- 2185 (xiv) the minority whip of the House of Representatives, elected by the minority
- 2186 caucus;
- 2187 (xv) the assistant minority whip of the House of Representatives, elected by the
- 2188 minority caucus; and
- 2189 (xvi) an additional member from the House of Representatives minority party, elected
- 2190 by the minority caucus.
- 2191 ~~[(c)]~~ (2) (a) (i) The president of the Senate [or the president's designee shall be] is chair
- 2192 during [1987] each odd-numbered year, and the speaker of the House of Representatives [or the
- 2193 speaker's designee shall be] is vice-chair of the committee during that year.
- 2194 ~~[(ii) The positions of chair and vice-chair of the Legislative Management Committee~~
- 2195 ~~shall rotate annually between these two officers in succeeding years.]~~
- 2196 (ii) The speaker of the House of Representatives is chair during each even-numbered
- 2197 year, and the president of the Senate is vice-chair of the committee during that year.

2198 ~~[(d)]~~ (b) The committee shall meet as often as is necessary to perform its duties~~[-but~~  
 2199 ~~not less than once each quarter].~~

2200 ~~[(e)]~~ (c) If any vote of the committee results in a tie, the president of the Senate and  
 2201 speaker of the House of Representatives may together cast an additional vote to break the tie.

2202 ~~[(3) If a legislator declines membership on the committees established by this section,~~  
 2203 ~~or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party~~  
 2204 ~~of the house in which the vacancy occurs.]~~

2205 ~~[(4) The committees established by this section shall meet not later than 60 days after~~  
 2206 ~~the adjournment sine die of the annual general session held in even-numbered years and not~~  
 2207 ~~later than 30 days after the adjournment sine die of the annual general session held in~~  
 2208 ~~odd-numbered years for the purpose of effecting their organization and prescribing rules and~~  
 2209 ~~policies pertaining to their respective powers and duties. A majority of the members of each~~  
 2210 ~~committee constitutes a quorum, and a majority of a quorum has authority to act in any matter~~  
 2211 ~~falling within the jurisdiction of the committee.]~~

2212 (3) A quorum of the Legislative Management Committee is at least 50% of the  
 2213 appointed members from one chamber and more than 50% of the appointed members from the  
 2214 other chamber, subject to the requirements in JR3-2-404.

2215 (4) A majority vote of the Legislative Management Committee is at least 50% of a  
 2216 quorum from one chamber and more than 50% of a quorum from the other chamber.

2217 Section 52. Section ~~36-3a-202~~, which is renumbered from Section 36-12-7 is  
 2218 renumbered and amended to read:

2219 ~~[36-12-7].~~ 36-3a-202. Legislative Management Committee -- Duties --

2220 **Litigation.**

2221 ~~[(1) The Senate or House Management Committee shall:]~~

2222 ~~[(a) receive legislative resolutions directing studies on legislative matters and may~~  
 2223 ~~assign these studies to the appropriate interim committee of its house;]~~

2224 ~~[(b) assign to interim committees of the same house, matters of legislative study not~~  
 2225 ~~specifically contained in a legislative resolution but considered significant to the welfare of the~~  
 2226 ~~state;]~~

2227 ~~[(c) receive requests from interim committees of its house for matters to be included on~~  
 2228 ~~the study agenda of the requesting committee. Appropriate bases for denying a study include~~



2229 inadequate funding to properly complete the study or duplication of the work;]  
2230 ~~[(d) establish a budget account for interim committee day as designated by Legislative~~  
2231 ~~Management Committee and for all other legislative committees of its house and allocate to~~  
2232 ~~that account sufficient funds to adequately provide for the work of the committee; and]~~  
2233 (1) (a) The Legislative Management Committee shall:  
2234 (i) assign matters for legislative study to interim committees;  
2235 (ii) receive, and approve or reject, requests from interim committees to study other  
2236 matters within the jurisdiction of the interim committee;  
2237 ~~[(e)]~~ (iii) designate the time and place for periodic meetings of the interim  
2238 committees[;];  
2239 (iv) declare which of the committees, task forces, and other groups on which legislators  
2240 serve qualify as "authorized legislative meetings" for which legislators may receive per diem;  
2241 and  
2242 (v) consider requests from interim committees for extra meetings, meetings away from  
2243 the capitol, or field trips and approve, approve and modify, or deny those requests.  
2244 ~~[(2) To maximize the use of legislators' available time, the Senate and House~~  
2245 ~~Management Committees should attempt to schedule the]~~  
2246 (b) The Legislative Management Committee shall schedule interim committee  
2247 meetings [of their respective houses] during the same one or two-day period each month. [This  
2248 does not preclude an interim committee from meeting at any time it determines necessary to  
2249 complete its business.]  
2250 ~~[(3)]~~ (2) (a) The Legislative Management Committee shall[;-(a)] employ, without  
2251 regard to political affiliation, and subject to approval of a majority vote of both chambers, and  
2252 after recommendation [of the appropriate] from a subcommittee of the Legislative Management  
2253 Committee, [without regard to political affiliation, and subject to approval of a majority vote of  
2254 both houses, persons qualified for the positions of director of the Office of Legislative  
2255 Research and General Counsel, legislative fiscal analyst, legislative general counsel, and  
2256 legislative auditor general. Appointments to these positions shall be for terms of six years  
2257 subject to renewal under the same procedure as the original appointment.] individuals to serve  
2258 as director of the Office of Legislative Research and General Counsel, legislative general  
2259 counsel, legislative fiscal analyst, and legislative auditor general.

2260 (b) Individuals appointed to these positions shall serve a term of six years, beginning  
2261 on the date sixty days after adjournment sine die of the annual general session or special  
2262 session in which their appointment was approved by both houses of the Legislature.

2263 (c) The Legislature may reappoint any individual serving in one of these positions to  
2264 additional six-year terms.

2265 (d) [A person] An individual may be removed from any of these [offices] positions  
2266 before the expiration of the [person's] individual's term only:

2267 (i) by a majority vote of both [houses] chambers of the Legislature or by a two-thirds  
2268 vote of the [management committee for such causes as inefficiency, incompetency,] Legislative  
2269 Management Committee; and

2270 (ii) for inefficiency, incompetence, failure to maintain skills or adequate performance  
2271 levels, insubordination, misfeasance, malfeasance, or nonfeasance in office.

2272 (e) If a vacancy occurs in any of these [offices] positions after adjournment of the  
2273 annual general session of the Legislature, the [committee] Legislative Management Committee  
2274 shall appoint an individual to fill the vacancy until [such time as the person] that individual or  
2275 another individual is approved or rejected by majority vote of the [next session of the]  
2276 Legislature[;].

2277 (3) (a) The Legislative Management Committee shall:

2278 [~~(b)~~] (i) develop branch wide policies [for] that provide general guidelines governing  
2279 personnel management, compensation, and training of [all professional] all nonpartisan  
2280 legislative staff;

2281 [~~(c)~~] (ii) develop a [policy within the limits of legislative appropriation] policies for the  
2282 authorization and payment to legislators of per diem compensation and travel expenses,  
2283 including out-of-state travel[;]; and

2284 [~~(d)~~] approve special study budget requests of the legislative directors; and]

2285 [~~(e)~~] assist the speaker-elect of the House of Representatives and the president-elect of  
2286 the Senate, upon selection by their majority party caucus, to organize their respective houses of  
2287 the Legislature and assume the direction of the operation of the Legislature in the forthcoming  
2288 annual general session.;

2289 (iii) make any policies adopted by the Legislative Management Committee available to  
2290 members of the Legislature.

2291 (b) The Legislative Management Committee may apply some, or all, of the general  
2292 policies for personnel management, compensation, and training adopted for nonpartisan staff to  
2293 partisan staff working for the Senate and House of Representatives.

2294 (c) Nothing in Subsection (3)(a)(i) may be construed to authorize the Legislative  
2295 Management Committee or any member of it to direct the director of the Office of Legislative  
2296 Research and General Counsel, the legislative fiscal analyst, the legislative auditor general, or  
2297 the legislative general counsel to:

2298 (i) adopt office-specific personnel, compensation, training, or other policies; or

2299 (ii) make a specific decision regarding personnel, compensation, training, or other  
2300 decision relating to the internal management of their respective offices and employees.

2301 (4) The Legislative Management Committee may:

2302 (a) make other policies to govern or manage the Legislature, including records policies  
2303 under Title 63G, Chapter 2, Government Records Access and Management Act;

2304 (b) hear reports and recommendations from interim committee chairs about what study  
2305 items an interim committee should study;

2306 (c) receive reports from interim committee chairs about what their committees  
2307 accomplished during the interim and what legislation the committees will propose; or

2308 (d) establish permanent or temporary subcommittees to study and make  
2309 recommendations to the full committee on matters of interest to the committee.

2310 ~~[(4)]~~ (5) (a) The Legislature delegates to the Legislative Management Committee the  
2311 authority, by means of a majority vote of the committee, to direct the legislative general  
2312 counsel in matters involving the Legislature's participation in litigation.

2313 (b) The Legislature has an unconditional right to intervene in a state court action and  
2314 may provide evidence or argument, written or oral, if a party to that court action challenges:

2315 (i) the constitutionality of a state statute;

2316 (ii) the validity of legislation; or

2317 (iii) any action of the Legislature.

2318 (c) In a federal court action that challenges the constitutionality of a state statute, the  
2319 validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to  
2320 file an amicus brief, or to present argument in accordance with federal rules of procedure.

2321 (d) Intervention by the Legislature pursuant to Subsection ~~[(4)]~~ (5)(b) or (c) does not

2322 limit the duty of the attorney general to appear and prosecute legal actions or defend state  
2323 agencies, officers or employees as otherwise provided by law.

2324 (e) In any action in which the Legislature intervenes or participates, legislative counsel  
2325 and the attorney general shall function independently from each other in the representation of  
2326 their respective clients.

2327 (f) The attorney general shall notify the legislative general counsel of a claim in  
2328 accordance with Subsection [67-5-1\(25\)](#).

2329 Section 53. Section **36-3a-301**, which is renumbered from Section 36-12-8 is  
2330 renumbered and amended to read:

2331 **Part 3. Subcommittees of the Legislative Management Committee**  
2332 **[~~36-12-8~~]. 36-3a-301. Legislative Management Committee -- Research and**  
2333 **General Counsel Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties**  
2334 **-- Members -- Meetings.**

2335 (1) There ~~[are]~~ is created within the Legislative Management Committee:

2336 (a) the Research and General Counsel Subcommittee;

2337 (b) the Budget Subcommittee; and

2338 (c) the Audit Subcommittee.

2339 (2) (a) The Research and General Counsel Subcommittee, comprising six members,  
2340 shall recommend to the Legislative Management Committee a person or persons to hold the  
2341 positions of director of the Office of Legislative Research and General Counsel and legislative  
2342 general counsel.

2343 (b) The Budget Subcommittee, comprising six members, shall recommend to the  
2344 Legislative Management Committee a person to hold the position of legislative fiscal analyst.

2345 (c) The Audit Subcommittee shall comprise:

2346 (i) the president, majority leader, and minority leader of the Senate; and

2347 (ii) the speaker, majority leader, and minority leader of the House of Representatives.

2348 ~~[(d)]~~ (3) The Audit Subcommittee shall:

2349 ~~[(i)]~~ (a) when a vacancy occurs, recommend ~~[to the Legislative Management~~  
2350 ~~Committee a person]~~ an individual to hold the position of legislative auditor general ~~[to the~~  
2351 ~~Legislative Management Committee]~~; and

2352 ~~[(ii)-(A)]~~ (b) (i) review all requests for audits;

2353 ~~[(B)]~~ (ii) prioritize those requests;

2354 ~~[(C)]~~ (iii) hear all audit reports and refer those reports to other legislative committees  
2355 for their further review and action as appropriate; and

2356 ~~[(D)]~~ (iv) when notified by the legislative auditor general or state auditor that a  
2357 subsequent audit has found that an entity has not implemented a previous audit  
2358 recommendation, refer the audit report to an appropriate legislative committee and also ensure  
2359 that an appropriate legislative committee conducts a review of the entity that has not  
2360 implemented the previous audit recommendation.

2361 ~~[(3) The members of each subcommittee of the Legislative Management Committee,  
2362 other than the Audit Subcommittee, shall have equal representation from each major political  
2363 party and shall be appointed from the membership of the Legislative Management Committee  
2364 by an appointments committee comprised of the speaker and the minority leader of the House  
2365 of Representatives and the president and the minority leader of the Senate.]~~

2366 ~~[(4) Each subcommittee of the Legislative Management Committee:]~~

2367 (4) (a) The Legislative Management Committee shall ensure that, other than the Audit  
2368 Subcommittee, each subcommittee of the Legislative Management Committee has equal  
2369 representation from each major political party.

2370 (b) An appointments committee comprised of the speaker and minority leader of the  
2371 House of Representatives and the president and minority leader of the Senate shall appoint the  
2372 members of each subcommittee.

2373 ~~[(a) shall]~~ (5) The Audit Subcommittee may meet as often as necessary to perform its  
2374 duties; and (b) may meet], including during and between legislative sessions.

2375 Section 54. Section ~~36-3a-401~~, which is renumbered from Section 36-12-10 is  
2376 renumbered and amended to read:

2377 **Part 4. Legislative Committees Generally**

2378 ~~[36-12-10].~~ **36-3a-401. Right of members to attend meetings -- Voting.**

2379 (1) As used in this section, "official committee" means a legislative committee,  
2380 subcommittee, task force, or other official legislative entity created by statute, resolution,  
2381 legislative rule, or by motion of one of those entities.

2382 (2) Any member of the Legislature [has the right to] may:

2383 (a) attend any meeting of the [House, Senate, and] Legislative Management

2384 [~~Committees, the subcommittees~~] Committee, a subcommittee of the Legislative Management  
 2385 Committee, [~~or~~] any interim committee, or any official committee; and [~~to~~]

2386 (b) present views on any subject under consideration[~~, but no legislator has the right to~~]  
 2387 by the committee or subcommittee.

2388 (3) A legislator may not vote on any decision of [~~a~~] an official or other committee of  
 2389 which [~~he~~] the legislator is not a member. [~~All meetings of these committees shall be subject~~  
 2390 ~~to Title 52, Chapter 4, Open and Public Meetings Act.~~]

2391 Section 55. Section ~~36-3a-402~~ is enacted to read:

2392 **36-3a-402. Legislative committees to comply with Open and Public Meetings Act.**

2393 (1) As used in this section, "official committee" means each legislative committee,  
 2394 subcommittee, task force, or other official legislative entity created by statute, resolution,  
 2395 legislative rule, by motion of one of those entities, or by the president of the Senate or speaker  
 2396 of the House of Representatives.

2397 (2) The Legislative Management Committee, the subcommittees of the Legislative  
 2398 Management Committee, each interim committee, and each other official committee shall  
 2399 comply with the procedures and requirements of Title 52, Chapter 4, Open and Public  
 2400 Meetings Act.

2401 Section 56. Section ~~36-3a-501~~, which is renumbered from Section 36-12-11 is  
 2402 renumbered and amended to read:

2403 **Part 5. Provisions Governing Specific Types of Committees**

2404 [~~36-12-11~~]. **36-3a-501. Interim committees' powers.**

2405 Interim committees may:

2406 (1) administer oaths; [~~and~~]

2407 (2) issue subpoenas[~~;~~]; and

2408 (3) by the following the procedures contained in Chapter 5a, Legislative Subpoenas,  
 2409 compel the:

2410 (a) attendance and testimony of witnesses; and [~~the~~]

2411 (b) production of papers, books, accounts, documents, electronic information, or any  
 2412 other tangible or electronic things[~~, and testimony, by following the procedures contained in~~  
 2413 ~~Title 36, Chapter 14, Legislative Subpoena Powers~~].

2414 Section 57. Section ~~36-3a-502~~, which is renumbered from Section 36-12-9 is

2415 renumbered and amended to read:

2416 ~~[36-12-9].~~ 36-3a-502. **Special Investigative committees -- Closed meetings --**  
2417 **Private records.**

2418 (1) [~~Special~~] As used in this section, "special investigative committee" means a  
2419 committee or subcommittee created or designated by rule or resolution of the House, the  
2420 Senate, or the Legislature to investigate a matter specified in the rule or resolution.

2421 [~~(2) The House, Senate, and Legislative Management Committees, the subcommittees~~  
2422 ~~of the Legislative Management Committee, and each interim committee shall keep complete~~  
2423 ~~minutes of their meetings.]~~

2424 [~~(3) The official policies of the House, Senate and Legislative Management~~  
2425 ~~Committees made pursuant to their duties as assigned by law shall be written and available to~~  
2426 ~~all members of the Legislature.]~~

2427 [~~(4)~~] (2) Notwithstanding Subsection [52-4-204\(2\)](#) or [52-4-205\(1\)](#), a special  
2428 investigative committee may hold a closed meeting if a majority of the members present vote  
2429 to close the meeting for the purpose of:

2430 [~~(a)~~] (a) seeking or obtaining legal advice;

2431 [~~(b)~~] (b) discussing matters of strategy relating to an investigation, if discussing the  
2432 matters in public would interfere with the effectiveness of the investigation; or

2433 [~~(c)~~] (c) questioning a witness, if questioning the witness in public would interfere with  
2434 a pending or possible criminal investigation.

2435 [~~(5)~~] (3) The following records received by, or generated by or for, a special  
2436 investigative committee are protected records, for purposes of Title 63G, Chapter 2,  
2437 Government Records Access and Management Act, until the special investigative committee  
2438 concludes its business or determines to remove the protected record classification described in  
2439 this Subsection [~~(5)~~] (3):

2440 (a) records of a witness interview;

2441 (b) records containing the mental impressions of special investigative committee  
2442 members or staff to the special investigative committee;

2443 (c) records containing information on investigative strategy; and

2444 (d) records, the disclosure of which would interfere with the effectiveness of the  
2445 investigation.

2446 Section 58. Section **36-4a-101** is enacted to read:

2447 **CHAPTER 4a. LEGISLATIVE STAFF OFFICES**

2448 **Part 1. Office of Legislative Research and General Counsel**

2449 **36-4a-101. Office of Legislative Research and General Counsel -- Established --**

2450 **General duties -- Organization -- Collaboration.**

2451 (1) There is created the Office of Legislative Research and General Counsel as a  
2452 permanent nonpartisan staff office for the Legislature.

2453 (2) In addition to the responsibilities exercised by the director and general counsel  
2454 under Sections [36-4a-102](#) and [36-4a-103](#), the Office of Legislative Research and General  
2455 Counsel shall, under the general supervision of the director:

2456 (a) provide staff assistance to all legislative standing, special, and interim committees  
2457 by:

2458 (i) assisting each committee chair in planning the work of the committee;

2459 (ii) preparing and presenting policy research, policy analysis, and policy information;

2460 and

2461 (iii) preparing a final committee report that includes relevant research information,  
2462 committee policy recommendations, and recommended legislation, if any;

2463 (b) draft and process all proposed legislation;

2464 (c) provide an analysis of current law, actual or proposed legislation, or subjects of  
2465 general legislative concern to any interim committee, legislative standing committee, or

2466 individual legislator;

2467 (d) maintain records concerning all legislation of the Utah State Legislature;

2468 (e) recommend changes to the Utah Constitution, Utah statutes, and legislative rules as  
2469 appropriate;

2470 (f) assist in the development and management of the Utah State Legislature website;

2471 (g) analyze data relating to previously enacted statutes;

2472 (h) compile analytical and legal data pertaining to legislative and government issues;

2473 and

2474 (i) advise legislators and committees about legislative rules and legislative process.

2475 (3) (a) In organizing the management of the Office of Legislative Research and General  
2476 Counsel, the Legislative Management Committee may either:



- 2477 (i) select an individual to serve as both the director of the office and as general counsel;  
2478 or
- 2479 (ii) select an individual to serve as director of the office and select another individual to  
2480 serve as the legislative general counsel.
- 2481 (b) If the Legislative Management Committee chooses to select separate individuals to  
2482 serve as director and general counsel, the Legislative Management Committee shall:
- 2483 (i) before hiring an individual to serve as director, consult with and obtain suggestions  
2484 and recommendations from the general counsel; and
- 2485 (ii) before hiring an individual to serve as general counsel, consult with and obtain  
2486 suggestions and recommendations from the director.
- 2487 (c) If the Legislative Management Committee chooses to select separate individuals to  
2488 serve as director and general counsel, the Legislative Management Committee may:
- 2489 (i) before hiring an individual to serve as director, consult with and obtain suggestions  
2490 and recommendations from the outgoing director; and
- 2491 (ii) before hiring an individual to serve as general counsel, consult with and obtain  
2492 suggestions and recommendations from the outgoing general counsel.
- 2493 (d) An individual appointed under Subsection (3)(a)(i) must:
- 2494 (i) be an attorney licensed to practice law in Utah; and
- 2495 (ii) have practical management experience or equivalent academic training.
- 2496 (e) The director appointed under Subsection (3)(a)(ii) must have a master's degree in  
2497 public or business administration, economics, or the equivalent in academic or practical  
2498 experience.
- 2499 (f) The legislative general counsel appointed under Subsection (3)(a)(ii) must be an  
2500 attorney licensed to practice law in Utah.
- 2501 (4) If the Legislature appoints one individual as director and a separate individual as  
2502 general counsel, the director and general counsel shall:
- 2503 (a) communicate regularly with each other about their mutual and separate  
2504 responsibilities;
- 2505 (b) collaborate and support each other's decisions;
- 2506 (c) seek consensus on decisions about hiring, evaluation, discipline, and termination of  
2507 legal staff; and

2508 (d) ensure that the office functions as a single entity and not as two or more separate  
2509 components.

2510 (5) (a) To preserve the professional integrity and independence of the office:

2511 (i) except for members of the Legislative Management Committee, no legislator,  
2512 lobbyist, or public official may urge the appointment of any person to the position of director or  
2513 legislative general counsel; and

2514 (ii) neither the director nor the legislative general counsel may serve on any Utah  
2515 board, authority, commission, or other agency during their term of office.

2516 (b) Nothing in this Subsection (5) prohibits an applicant for director or general counsel  
2517 from obtaining and submitting a letter of recommendation from a public official, public officer,  
2518 or public employee.

2519 Section 59. Section **36-4a-102** is enacted to read:

2520 **36-4a-102. Office of Legislative Research and General Counsel -- Director duties.**

2521 (1) The director shall:

2522 (a) subject to Subsection [36-4a-103\(2\)\(m\)](#) and Subsection [36-4a-103\(4\)](#), employ and  
2523 develop a professional staff within budget limitations;

2524 (b) prepare and submit the annual budget request for the Office of Legislative Research  
2525 and General Counsel;

2526 (c) maintain, or submit to the Division of Archives, all legislative records within the  
2527 custody and control of the office according to the retention policies adopted by the Legislative  
2528 Management Committee;

2529 (d) collect and retain data relevant to current and potential legislative subjects of  
2530 interest to the Utah State Legislature;

2531 (e) oversee the preparation of legislative bills, resolutions, memorials, substitutes,  
2532 amendments, and other documents or instruments required in the legislative process;

2533 (f) advise and counsel the Legislature, majority and minority leadership of the House of  
2534 Representatives or Senate, any of the Legislature's members or members-elect, any of the  
2535 Legislature's committees or subcommittees, or the legislative staff about any of the items listed  
2536 in Subsection (1)(e);

2537 (g) recommend areas for research studies by the Legislature;

2538 (h) consult with the legislative counsel in fulfilling the director's responsibilities under

2539 this section; and

2540 (i) make final compensation decisions for employees of the office after consulting  
2541 with, and seriously considering the recommendations made by the legislative general counsel  
2542 for compensation for the professional legal staff.

2543 (2) The director may, within budgetary limitations and by complying with the  
2544 procedures and requirements of Title 63G, Chapter 6a, Utah Procurement Code, contract with  
2545 outside professionals or consultants as necessary to assist the director in the performance of the  
2546 director's duties.

2547 (3) In carrying out the duties provided for in this section, the director may obtain access  
2548 to all records, documents, and reports necessary to the scope of the director's duties as provided  
2549 in Section [36-2a-104](#).

2550 Section 60. Section **36-4a-103** is enacted to read:

2551 **36-4a-103. Office of Legislative Research and General Counsel Duties -- Legal**  
2552 **duties -- Legislative general counsel.**

2553 (1) As provided in the Utah Constitution Article VI, Section 32, the legislative general  
2554 counsel "shall provide and control all legal services for the Legislature unless otherwise  
2555 provided by statute."

2556 (2) Attorneys in the Office of Legislative Research and General Counsel shall, at the  
2557 direction and under the supervision of the legislative general counsel:

2558 (a) exercise the constitutional authority provided in Utah Constitution, Article VI,  
2559 Section 32, by serving as legal counsel to the Legislature, majority and minority leadership of  
2560 the House of Representatives or Senate, any of the Legislature's committees or subcommittees,  
2561 individual legislators, any of the Legislature's staff offices, or any of the legislative staff when  
2562 acting within the course and scope of their service or employment as a public officer or public  
2563 employee;

2564 (b) subject to Subsection [36-3a-202\(5\)](#), represent the Legislature, majority and minority  
2565 leadership of the House of Representatives or Senate, any of the Legislature's committees or  
2566 subcommittees, individual legislators, any of the Legislature's staff offices, or any of the  
2567 legislative staff in matters relating to their scope of service or employment as a public officer or  
2568 employee in cases and controversies before United States and Utah courts, administrative  
2569 agencies, and other tribunals;

2570 (c) prepare and assist in the preparation of legislative bills, resolutions, memorials,  
2571 substitutes, amendments, and other documents or instruments required in the legislative  
2572 process;

2573 (d) advise and counsel the Legislature, majority and minority leadership of the House  
2574 of Representatives or Senate, any of the Legislature's members or members-elect, any of the  
2575 Legislature's committees or subcommittees, or the legislative staff about any of the items listed  
2576 in Subsection (2)(c);

2577 (e) review, examine, and correct any technical errors in legislation that has passed both  
2578 chambers in order to enroll the legislation;

2579 (f) evaluate each bill that has passed both chambers of the Legislature to ensure that it  
2580 was legally passed and submit each enrolled bill that has passed that evaluation to ~~H~~→ the  
2580a Secretary of Senate and Chief Clerk of the House of Representatives for submission to ←~~H~~ the  
2580b governor  
2581 for gubernatorial action;

2582 (g) prepare the laws for publication;

2583 (h) comply with Title 46, Chapter 5, Uniform Electronic Legal Material Act, regarding  
2584 the office's responsibility regarding publication of the Utah Constitution, the Laws of Utah, and  
2585 the Utah Code;

2586 (i) when two or more bills affect the same section of the Utah Code and one or more of  
2587 those bills enacts or amends language that another bill repeals, and the conflict has not been  
2588 corrected before the Legislature adjourns sine die, ensure that the repeal takes precedence over  
2589 the amendment or enactment in preparing the enrolled bill and in preparing the laws for  
2590 publication;

2591 (j) make recommendations for the revision, clarification, classification, arrangement,  
2592 codification, recodification, annotation, and indexing of Utah statutes, and draft legislation to  
2593 implement the recommendations;

2594 (k) maintain an electronic record organized by title, chapter, part, and section that  
2595 contains the laws of Utah that are currently in effect and that will take effect in the future; and

2596 (l) modify the electronic record required by Subsection (2)(k) based upon changes to  
2597 the laws of Utah or to correct technical errors.

2598 (3) The legislative general counsel shall submit recommendations for compensation for  
2599 professional legal staff to the director.

2600 (4) (a) The legislative general counsel and the director must jointly agree on a

2601 candidate to be hired as professional legal staff.

2602 (b) If the legislative general counsel and director cannot agree, they shall seek another  
2603 qualified candidate for the position.

2604 (5) The legislative general counsel shall:

2605 (a) make disciplinary decisions, including termination decisions, for the professional  
2606 legal staff after discussing those decisions with, and considering the opinion of, the director;  
2607 and

2608 (b) consult with the director in fulfilling the legislative general counsel's  
2609 responsibilities under this section.

2610 (6) Notwithstanding Subsection 36-4a-101(2), the legislative general counsel shall  
2611 control and have final decision-making authority over the scope, content, and conclusions of  
2612 any legal research, legal analysis, or legal conclusions submitted to a legislator, a committee, or  
2613 to any other legislative client.

2614 (7) The statutory authorization of the Office of Legislative Research and General  
2615 Counsel attorneys to correct technical errors in Subsection (2)(e), to prepare the laws for  
2616 publication in Subsection (2)(g), and to modify the electronic database to correct technical  
2617 errors in Subsection (2)(l) includes:

2618 (a) adopting a uniform system of punctuation, capitalization, numbering, and wording  
2619 for enrolled bills and the Laws of Utah;

2620 (b) eliminating duplication, and the repeal of laws directly or by implication, including  
2621 renumbering when necessary;

2622 (c) correcting defective or inconsistent section and paragraph structure in the  
2623 arrangement of the subject matter of existing statutes;

2624 (d) eliminating obsolete and redundant words;

2625 (e) correcting obvious typographical and grammatical errors and other inconsistencies  
2626 including those involving punctuation, capitalization, cross-references, numbering, and  
2627 wording;

2628 (f) renumbering and rearranging sections or parts of sections;

2629 (g) transferring sections or dividing sections to assign separate section numbers to  
2630 distinct subject matters;

2631 (h) modifying cross-references to agree with renumbered chapters or sections;

2632 (i) substituting the proper section or chapter number for the terms "this act," "this bill,"  
 2633 and similar terms;

2634 (j) substituting the proper calendar date in the database and in the Laws of Utah;

2635 (k) correcting the names of agencies, departments, and similar units of government;

2636 (l) inserting or changing the wording of boldface to more accurately reflect the  
 2637 substance of each section, part, chapter, or title;

2638 (m) merging or determining priority of any amendments, enactments, or repealers to  
 2639 the same code provisions that are passed by the Legislature;

2640 (n) rearranging any misplaced statutory material, incorporating any omitted statutory  
 2641 material, and correcting other obvious errors of addition or omission; and

2642 (o) alphabetizing definition sections.

2643 (8) Subject to Subsection (4) and Subsection [36-4a-102\(1\)\(i\)](#), the legislative general  
 2644 counsel shall employ and develop a professional legal staff within budget limitations.

2645 (9) The legislative general counsel may:

2646 (a) within budgetary limitations and by complying with the procedures and  
 2647 requirements of Title 63G, Chapter 6a, Utah Procurement Code, contract with outside  
 2648 professionals or consultants necessary to assist the legislative general counsel in the  
 2649 performance of the legislative general counsel's duties; and

2650 (b) in carrying out the duties provided for in this section, the legislative general counsel  
 2651 may obtain access to all records, documents, and reports necessary to the scope of the  
 2652 legislative general counsel's duties as provided in Section [36-2a-104](#).

2653 Section 61. Section **36-4a-201**, which is renumbered from Section 36-12-13 is  
 2654 renumbered and amended to read:

2655 **Part 2. Office of the Legislative Fiscal Analyst**

2656 ~~[36-12-13]~~. **36-4a-201. Office of the Legislative Fiscal Analyst established --**  
 2657 **Powers, functions, and duties -- Qualifications.**

2658 (1) There is ~~[established an]~~ created the Office of the Legislative Fiscal Analyst as a  
 2659 permanent nonpartisan staff office for the Legislature.

2660 (2) ~~[The powers, functions, and duties of]~~ Under the direction of the legislative fiscal  
 2661 analyst, the Office of the Legislative Fiscal Analyst [under the supervision of the fiscal analyst  
 2662 are] shall:

2663 (a) (i) ~~[to]~~ estimate state general revenue collections~~[-, including comparisons of:]~~ for  
 2664 the current and next fiscal years;  
 2665 ~~[(A) current estimates]~~  
 2666 (ii) compare next year's estimated revenues for each major tax type to long-term trends  
 2667 for that tax type;  
 2668 ~~[(B) current estimates for]~~  
 2669 (iii) estimate federal fund receipts for the next fiscal year and compare them to  
 2670 long-term federal fund trends; and  
 2671 ~~[(C) current estimates for tax collections and federal fund receipts to long-term trends~~  
 2672 ~~deflated for the inflationary effects of debt monetization; and]~~  
 2673 ~~[(ii) to]~~ (iv) report the estimates and analysis required under Subsection (2)(a)~~[(i)]~~ to  
 2674 the Legislature's Executive Appropriations Committee before each annual general session of  
 2675 the Legislature;  
 2676 (b) ~~[to]~~ analyze in detail the state budget before ~~[the convening of each legislative]~~  
 2677 each annual general session of the Legislature and make recommendations to the Legislature on  
 2678 each item or program appearing in the budget, including:  
 2679 (i) funding for and performance of programs, acquisitions, and services currently  
 2680 undertaken by state government to determine whether each department, agency, institution, or  
 2681 program should:  
 2682 (A) continue at its current level of expenditure;  
 2683 (B) continue at a different level of expenditure; or  
 2684 (C) be terminated; and  
 2685 (ii) increases or decreases to spending authority and other resource allocations for the  
 2686 current and future fiscal years;  
 2687 (c) ~~[to]~~ prepare fiscal estimates on all proposed bills ~~[fiscal estimates that reflect]~~ that  
 2688 include:  
 2689 (i) ~~[potential state government]~~ anticipated revenue ~~[impacts]~~ changes affecting the  
 2690 state budget;  
 2691 (ii) anticipated ~~[state government]~~ expenditure changes affecting the state budget;  
 2692 (iii) anticipated expenditure changes ~~[for]~~ affecting the budgets of county, municipal,  
 2693 local district, or special service district governments; and

2694 (iv) anticipated direct expenditure by Utah residents and businesses, including the unit  
2695 cost, number of units, and total cost to all impacted residents and businesses;

2696 (d) [to] indicate whether each proposed bill will impact the regulatory burden for Utah  
2697 residents or businesses, and if so:

2698 (i) whether the impact increases or decreases the regulatory burden; and

2699 (ii) whether the change in burden is high, medium, or low;

2700 (e) beginning in 2017 and repeating every three years after 2017, [to] prepare the  
2701 following cycle of analyses of long-term fiscal sustainability:

2702 (i) in year one, the joint revenue volatility report required under Section 63J-1-205;

2703 (ii) in year two, a long-term budget for programs appropriated from major funds and  
2704 tax types; and

2705 (iii) in year three, a budget stress test comparing estimated future revenue to and  
2706 expenditure from major funds and tax types under various potential economic conditions;

2707 (f) [to] report instances in which the [administration] executive and judicial branches  
2708 may be failing to carry out the expressed intent of the Legislature;

2709 (g) [to] propose and analyze statutory changes for more effective operational  
2710 economies or more effective administration;

2711 (h) [to] prepare, before each annual general session of the Legislature, a summary  
2712 showing the current status of each of the following items as compared to the past nine fiscal  
2713 years:

2714 (i) debt;

2715 (ii) long-term liabilities;

2716 (iii) contingent liabilities;

2717 (iv) General Fund borrowing;

2718 (v) reserves;

2719 (vi) fund and nonlapsing balances; and

2720 (vii) cash funded capital investments;

2721 (i) [to] make recommendations [~~for addressing~~], if any, for the Legislature to address  
2722 the items described in Subsection (2)(h) [~~in the upcoming annual general session of the~~  
2723 ~~Legislature~~];

2724 (j) [~~to prepare~~], after each annual general session of the Legislature, prepare a summary



2725 showing the effect of the ~~[final legislative program]~~ Legislature's actions on the financial  
2726 condition of the state;

2727 (k) ~~[to]~~ conduct organizational and management improvement studies in accordance  
2728 with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process,  
2729 and legislative rule;

2730 (l) ~~[to prepare and deliver upon request of any]~~ if requested by an interim committee  
2731 ~~[or]~~, the Legislative Management Committee, or the Executive Appropriations Committee,  
2732 provide reports on the finances of the state and on anticipated or proposed requests for  
2733 appropriations;

2734 (m) ~~[to]~~ recommend areas for ~~[research studies]~~ study by the executive department or  
2735 the interim committees;

2736 (n) ~~[to]~~ appoint and develop a professional staff within budget limitations;

2737 (o) ~~[to]~~ prepare and submit the annual budget request for the office;

2738 (p) ~~[to]~~ develop a taxpayer receipt~~[- (i) available to taxpayers through a website; and~~  
2739 ~~(ii)]~~ that allows a taxpayer to view ~~[on the website]~~ an estimate of how the taxpayer's tax  
2740 dollars are expended for government purposes and place it on a website; and

2741 (q) ~~[to]~~ publish or provide other information on taxation and government expenditures  
2742 that may be accessed by the public.

2743 (3) (a) The ~~[legislative fiscal analyst shall have]~~ Legislative Management Committee  
2744 shall ensure that the individual who they select as legislative fiscal analyst has a master's degree  
2745 in public administration, political science, economics, accounting, or the equivalent in  
2746 academic or practical experience.

2747 (b) (i) To preserve the professional integrity and independence of the office:

2748 (A) except for members of the Legislative Management Committee, no legislator,  
2749 lobbyist, or public official may urge the appointment of any person to the position legislative  
2750 fiscal analyst; and

2751 (B) the legislative fiscal analyst may not serve on any Utah board, authority,  
2752 commission, or other agency during the legislative fiscal analyst's term of office.

2753 (ii) Nothing in this Subsection (3)(b) prohibits an applicant for legislative fiscal analyst  
2754 from obtaining and submitting a letter of recommendation from a public official, public officer,  
2755 or public employee.

2756 (4) In carrying out the duties provided for in this section, the [~~legislative fiscal analyst~~]  
 2757 legislative fiscal analyst may:

2758 (a) obtain access to all records, documents, and reports necessary to the scope of the  
 2759 legislative fiscal analyst's duties according to the procedures contained in [~~Title 36, Chapter 14,~~  
 2760 ~~Legislative Subpoena Powers.~~] Chapter 5a, Legislative Subpoenas; and

2761 (b) within budgetary limitations and by following the procedures and requirements of  
 2762 Title 63G, Chapter 6a, Utah Procurement Code, contract with consultants or other  
 2763 professionals necessary to assist the office in the performance of the office's duties.

2764 (5) The Office of the Legislative Fiscal Analyst shall provide any information the State  
 2765 Board of Education reports in accordance with Subsection 53E-3-507(7) to:

2766 (a) the chief sponsor of the proposed bill; and

2767 (b) upon request, any legislator.

2768 Section 62. Section ~~36-4a-301~~, which is renumbered from Section 36-12-15 is  
 2769 renumbered and amended to read:

2770 **Part 3. Office of the Legislative Auditor General**

2771 [~~36-12-15~~]. **36-4a-301. Office of the Legislative Auditor General established --**  
 2772 **Qualifications -- Powers, functions, and duties.**

2773 (1) There is created [~~an~~] the Office of the Legislative Auditor General as a permanent  
 2774 nonpartisan staff office for the Legislature.

2775 [~~(2) The legislative auditor general shall be a licensed certified public accountant or~~  
 2776 ~~certified internal auditor with at least five years of experience in the auditing or public~~  
 2777 ~~accounting profession, or the equivalent, prior to appointment.]~~

2778 [~~(3) The legislative auditor general shall appoint and develop a professional staff~~  
 2779 ~~within budget limitations.]~~

2780 [~~(4)(a) The Office of the Legislative Auditor General shall exercise the constitutional~~  
 2781 ~~authority provided in Article VI, Sec. 33, Utah Constitution.]~~

2782 [~~(b)~~] (2) Under the direction of the legislative auditor general, the [~~office~~] Office of the  
 2783 Legislative Auditor General shall:

2784 [~~(i)~~] (a) conduct comprehensive and special purpose audits, examinations, and reviews  
 2785 of [~~any entity that receives public funds~~];

2786 (i) any funds, functions, and accounts in any branch, department, agency, or political

2787 subdivision of Utah;

2788       (ii) any entity that receives public funds; and

2789       (iii) any entity that is subject to oversight from any branch, department, agency, or

2790 political subdivision of Utah;

2791       (b) perform other duties as prescribed by the Legislature;

2792       ~~[(ii)]~~ (c) prepare and submit a written report on each audit, examination, or review to

2793 the Legislative [Management Committee, the audit subcommittee] Audit Subcommittee, and

2794 make that written report available to all members of the Legislature within 75 days after the

2795 audit or examination is completed; ~~[and]~~

2796       ~~[(iii)]~~ (d) monitor ~~[and]~~, conduct a risk assessment of, and audit any efficiency

2797 evaluations in accordance with Title 63J, Chapter 1, Part 9, Government Performance

2798 Reporting and Efficiency Process, and legislative rule[-];

2799       (e) create, manage, and report to the Legislative Audit Subcommittee a list of high risk

2800 programs and operations that:

2801       (i) threaten public funds or programs;

2802       (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or

2803       (iii) require transformation;

2804       (f) monitor and report to the Legislative Audit Subcommittee the health of state

2805 agencies' internal audit functions; and

2806       (g) make recommendations to increase the independence and value added of internal

2807 audit functions throughout the state.

2808       ~~[(5)]~~ (3) [The] In conducting an audit, examination, or review of any entity [that

2809 receives public funds may include a], the Office of the Legislative Auditor General may

2810 include a determination of any or all of the following:

2811       (a) the honesty and integrity of all of the entity's fiscal affairs;

2812       (b) the accuracy and reliability of the entity's ~~[financial]~~ internal control systems and

2813 specific financial statements and reports;

2814       (c) whether or not the entity's financial controls are adequate and effective to properly

2815 record and safeguard its acquisition, custody, use, and accounting of public funds;

2816       (d) whether ~~[or not]~~ the entity's administrators have ~~[faithfully adhered to]~~ complied

2817 with legislative intent;

2818 (e) whether ~~[or not]~~ the entity's operations have been conducted in an efficient,  
2819 effective, and cost efficient manner;

2820 (f) whether ~~[or not]~~ the entity's programs have been effective in accomplishing their  
2821 intended objectives; and

2822 (g) whether ~~[or not]~~ the entity's management control and information systems are  
2823 adequate and effective.

2824 ~~[(6) The Office of the Legislative Auditor General:]~~

2825 ~~[(a) (i) shall, notwithstanding any other provision of law, have access to all records,  
2826 documents, and reports of any entity that receives public funds that are necessary to the scope  
2827 of the duties of the legislative auditor general or the office; and]~~

2828 ~~[(ii) may issue a subpoena to obtain access as provided in Subsection (6)(a)(i) using the  
2829 procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers;]~~

2830 ~~[(b) establish policies, procedures, methods, and standards of audit work for the office  
2831 and staff;]~~

2832 ~~[(c) prepare and submit each audit report without interference from any source relative  
2833 to the content of the report, the conclusions reached in the report, or the manner of disclosing  
2834 the results of the legislative auditor general's findings; and]~~

2835 ~~[(d) prepare and submit the annual budget request for the office.]~~

2836 ~~[(7) To preserve the professional integrity and independence of the office:]~~

2837 ~~[(a) no legislator or public official may urge the appointment of any person to the  
2838 office; and]~~

2839 ~~[(b) the legislative auditor general may not be appointed to serve on any board,  
2840 authority, commission, or other agency of the state during the legislative auditor general's term  
2841 as legislative auditor general.]~~

2842 ~~[(8) The following records in the custody or control of the legislative auditor general  
2843 shall be protected records under Title 63G, Chapter 2, Government Records Access and  
2844 Management Act:]~~

2845 ~~[(a) Records that would disclose information relating to allegations of personal  
2846 misconduct, gross mismanagement, or illegal activity of a past or present governmental  
2847 employee if the information or allegation cannot be corroborated by the legislative auditor  
2848 general through other documents or evidence, and the records relating to the allegation are not~~

2849 relied upon by the legislative auditor general in preparing a final audit report.]

2850       ~~[(b) Records and audit workpapers to the extent they would disclose the identity of a~~  
2851 ~~person who during the course of a legislative audit, communicated the existence of any waste~~  
2852 ~~of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or~~  
2853 ~~regulation adopted under the laws of this state, a political subdivision of the state, or any~~  
2854 ~~recognized entity of the United States, if the information was disclosed on the condition that~~  
2855 ~~the identity of the person be protected.]~~

2856       ~~[(c) Prior to the time that an audit is completed and the final audit report is released,~~  
2857 ~~records or drafts circulated to a person who is not an employee or head of a governmental~~  
2858 ~~entity for their response or information.]~~

2859       ~~[(d) Records that would disclose an outline or part of any audit survey plans or audit~~  
2860 ~~program.]~~

2861       ~~[(e) Requests for audits, if disclosure would risk circumvention of an audit.]~~

2862       ~~[(f) The provisions of Subsections (8)(a), (b), and (c) do not prohibit the disclosure of~~  
2863 ~~records or information that relate to a violation of the law by a governmental entity or~~  
2864 ~~employee to a government prosecutor or peace officer.]~~

2865       ~~[(g) The provisions of this section do not limit the authority otherwise given to the~~  
2866 ~~legislative auditor general to classify a document as public, private, controlled, or protected~~  
2867 ~~under Title 63G, Chapter 2, Government Records Access and Management Act.]~~

2868       ~~[(9) The legislative auditor general shall:]~~

2869       ~~[(a) be available to the Legislature and to the Legislature's committees for consultation~~  
2870 ~~on matters relevant to areas of the legislative auditor general's professional competence;]~~

2871       ~~[(b) conduct special audits as requested by the Legislative Management Committee;]~~

2872       ~~[(c) report immediately in writing to the Legislative Management Committee through~~  
2873 ~~its audit subcommittee any apparent violation of penal statutes disclosed by the audit of a state~~  
2874 ~~agency and furnish to the Legislative Management Committee all information relative to the~~  
2875 ~~apparent violation;]~~

2876       ~~[(d) report immediately in writing to the Legislative Management Committee through~~  
2877 ~~its audit subcommittee any apparent instances of malfeasance or nonfeasance by a state officer~~  
2878 ~~or employee disclosed by the audit of a state agency; and]~~

2879       ~~[(e) make any recommendations to the Legislative Management Committee through its~~

2880 ~~audit subcommittee with respect to the alteration or improvement of the accounting system~~  
2881 ~~used by any entity that receives public funds.]~~

2882 ~~[(10) If the legislative auditor general conducts an audit of a state agency that has~~  
2883 ~~previously been audited and finds that the state agency has not implemented a recommendation~~  
2884 ~~made by the legislative auditor general in a previous audit, the legislative auditor general shall,~~  
2885 ~~upon release of the audit:]~~

2886 ~~[(a) report immediately in writing to the Legislative Management Committee through~~  
2887 ~~its audit subcommittee that the state agency has not implemented that recommendation; and]~~

2888 ~~[(b) shall report, as soon as possible, that the state agency has not implemented that~~  
2889 ~~recommendation to a meeting of an appropriate legislative committee designated by the audit~~  
2890 ~~subcommittee of the Legislative Management Committee.]~~

2891 ~~[(11) (a) Prior to each annual general session, the legislative auditor general shall~~  
2892 ~~prepare a summary of the audits conducted and of actions taken based upon them during the~~  
2893 ~~preceding year.]~~

2894 ~~[(b) This report shall also set forth any items and recommendations that are important~~  
2895 ~~for consideration in the forthcoming session, together with a brief statement or rationale for~~  
2896 ~~each item or recommendation.]~~

2897 ~~[(c) The legislative auditor general shall deliver the report to the Legislature and to the~~  
2898 ~~appropriate committees of the Legislature.]~~

2899 ~~[(12) (a) No person or entity may:]~~

2900 ~~[(i) interfere with a legislative audit, examination, or review of any entity conducted by~~  
2901 ~~the office; or]~~

2902 ~~[(ii) interfere with the office relative to the content of the report, the conclusions~~  
2903 ~~reached in the report, or the manner of disclosing the results and findings of the office.]~~

2904 ~~[(b) Any person or entity that violates the provisions of this Subsection (12) is guilty of~~  
2905 ~~a class B misdemeanor.]~~

2906 ~~[(13) (a) Beginning July 1, 2020, the Office of the Legislative Auditor General may~~  
2907 ~~require any current employee, or any applicant for employment, to submit to a~~  
2908 ~~fingerprint-based local, regional, and criminal history background check as an ongoing~~  
2909 ~~condition of employment.]~~

2910 ~~[(b) An employee or applicant for employment shall provide a completed fingerprint~~

2911 card to the office upon request. The office shall require that an individual required to submit to  
 2912 a background check under this subsection also provide a signed waiver on a form provided by  
 2913 the office that meets the requirements of Subsection ~~53-10-108~~(4).]

2914 ~~[(c) For a noncriminal justice background search and registration in accordance with~~  
 2915 ~~Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:]~~

2916 ~~[(i) the employee's or applicant's personal identifying information and fingerprints for a~~  
 2917 ~~criminal history search of applicable local, regional, and national databases; and]~~

2918 ~~[(ii) a request for all information received as a result of the local, regional, and~~  
 2919 ~~nationwide background check.]~~

2920 Section 63. Section ~~36-4a-302~~ is enacted to read:

2921 **36-4a-302. Legislative Auditor General -- Selection -- Duties.**

2922 (1) (a) The Legislative Management Committee shall ensure that the person who they  
 2923 select as legislative auditor general is a licensed certified public accountant or certified internal  
 2924 auditor with at least seven years of experience in the auditing or public accounting profession,  
 2925 or the equivalent, before the selection.

2926 (b) (i) To preserve the professional integrity and independence of the office:

2927 (A) except for members of the Legislative Management Committee, no legislator,  
 2928 lobbyist, or public official may urge the appointment of any person to the position of legislative  
 2929 auditor general; and

2930 (B) the legislative auditor general may not serve on any Utah board, authority,  
 2931 commission, or other agency during the legislative auditor general's term of office.

2932 (ii) Nothing in this Subsection (1)(b) prohibits an applicant for legislative auditor  
 2933 general from obtaining and submitting a letter of recommendation from a public official, public  
 2934 officer, or public employee.

2935 (2) The legislative auditor general shall:

2936 (a) employ and develop a professional staff within budget limitations;

2937 (b) establish policies, procedures, methods, and standards of audit work for the office;

2938 (c) prepare and submit the annual budget request for the office;

2939 (d) be available to the Legislature and to the Legislature's committees for consultation  
 2940 on matters relevant to areas of the legislative auditor general's professional competence;

2941 (e) conduct special audits as requested by the Legislative Management Committee or

2942 Audit Subcommittee;

2943 (f) report immediately in writing any apparent violation of penal statutes disclosed by  
2944 the audit to the Audit Subcommittee of the Legislative Management Committee and furnish to  
2945 the Audit Subcommittee all information relevant to the apparent violation;

2946 (g) report immediately in writing to the Audit Subcommittee any apparent malfeasance  
2947 or nonfeasance by a state or local officer or employee disclosed by an audit;

2948 (h) recommend to the Audit Subcommittee that an entity that receives public funds  
2949 alter or improve the entity's accounting system;

2950 (i) implement a process to track, monitor, and report whether the subject of an audit  
2951 has implemented recommendations made in the audit report; and

2952 (j) immediately report violations of Section [36-4a-305](#) to the Utah attorney general,  
2953 United States attorney's office, or both for review and potential prosecution.

2954 (3) If the office conducts an audit of a state agency that has previously been audited  
2955 and finds that the state agency has not implemented one or more recommendations made by the  
2956 office in a previous audit, the legislative auditor general shall, upon release of the audit:

2957 (a) report immediately in writing to the Audit Subcommittee that the state agency has  
2958 not implemented that recommendation; and

2959 (b) as soon as possible, report to a meeting of a legislative committee designated by the  
2960 Audit Subcommittee that the state agency has not implemented that recommendation.

2961 (4) Before each annual general session, the legislative auditor general shall:

2962 (a) prepare an annual report that:

2963 (i) summarizes the audits and other reviews conducted by the office since the last  
2964 annual report; and

2965 (ii) evaluates and reports the degree to which an agency that has been the subject of an  
2966 audit has implemented the audit recommendations;

2967 (b) include in the report any items and recommendations that the legislative auditor  
2968 general believes that the Legislature should consider in the annual general session; and

2969 (c) deliver the report to the Legislature and to the appropriate committees of the  
2970 Legislature.

2971 (5) (a) The legislative auditor general may require any current employee, or any  
2972 applicant for employment, to submit to a fingerprint-based local, regional, and national



2973 criminal history background check as an ongoing condition of employment.

2974 (b) If the legislative auditor general requires a criminal history background check on an  
2975 employee or applicant, the legislative auditor general shall require the employee or applicant  
2976 for employment to:

2977 (i) provide a completed fingerprint card to the office; and

2978 (ii) provide a signed waiver on a form provided by the office that meets the  
2979 requirements of Subsection 53-10-108(4).

2980 (c) For a noncriminal justice name background search and registration in accordance  
2981 with Subsection 53-10-108(13), the legislative auditor general shall submit to the Bureau of  
2982 Criminal Identification:

2983 (i) the employee's or applicant's personal identifying information and fingerprints for a  
2984 criminal history search of applicable local, regional, and national databases; and

2985 (ii) a request for all information received as a result of the local, regional, and  
2986 nationwide background check.

2987 (6) The legislative auditor general may, within budgetary limitations and by following  
2988 the procedures and requirements of Title 63G, Chapter 6a, Utah Procurement Code, contract  
2989 with consultants or other professionals necessary to assist the office in the performance of its  
2990 duties.

2991 Section 64. Section **36-4a-303** is enacted to read:

2992 **36-4a-303. Office of the Legislative Auditor General -- Records -- Access and**  
2993 **protection.**

2994 (1) (a) When requested by the Office of the Legislative Auditor General, each entity  
2995 that the legislative auditor general is authorized to audit under Utah Constitution Article VI,  
2996 Section 33, shall, notwithstanding any other provision of law, provide the office with  
2997 immediate access to:

2998 (i) each record, document, and report in the possession or custody of the entity in the  
2999 format identified by the office;

3000 (ii) all entity personnel;

3001 (iii) open and closed meetings conducted by the entity; and

3002 (iv) any official or unofficial recordings of formal or informal meetings or  
3003 conversations to which the entity has access.

3004 (b) The legislative auditor general may issue a subpoena to obtain access as provided in  
3005 Subsection (1)(a) using the procedures contained in Chapter 5a, Legislative Subpoenas.

3006 (2) (a) The following records in the custody or control of the legislative auditor general  
3007 are protected records under Title 63G, Chapter 2, Government Records Access and  
3008 Management Act:

3009 (i) records and audit workpapers that would disclose information relating to allegations  
3010 of personal misconduct, gross mismanagement, or illegal activity of a past or present  
3011 governmental employee if the information or allegation cannot be corroborated by the  
3012 legislative auditor general through other documents or evidence, and the records relating to the  
3013 allegation are not relied upon by the legislative auditor general in preparing a final audit report;

3014 (ii) records and audit workpapers that would disclose the identity of a person who,  
3015 during the course of a legislative audit, communicated the existence of unethical behavior, any  
3016 waste of public funds, property, or personnel, or a violation or suspected violation of a United  
3017 States, Utah state, or political subdivision law, rule, regulation, or ordinance, if the person  
3018 disclosed the information on the condition that the identity of the person be protected;

3019 (iii) before an audit is completed and the final audit report is released, records or drafts  
3020 circulated to a person who is not an employee or head of a governmental entity for review,  
3021 response, or information;

3022 (iv) records that would disclose:

3023 (A) an outline;

3024 (B) all or any part of an audit survey, audit survey plan, audit plan, or audit program; or

3025 (C) other procedural documents necessary to fulfill the duties of the office; and

3026 (v) requests for audits, if disclosure would risk circumvention of an audit.

3027 (b) The provisions of Subsections (2)(a)(i), (ii), and (iii) do not prohibit the disclosure  
3028 of records or information to a government prosecutor or peace officer when those records or  
3029 information relate to a violation of the law by a governmental entity, employee, or other  
3030 recipient of public monies.

3031 (c) The provisions of this section do not limit the authority otherwise given to the  
3032 legislative auditor general to classify a document as public, private, controlled, or protected  
3033 under Title 63G, Chapter 2, Government Records Access and Management Act.

3034 Section 65. Section ~~36-4a-304~~, which is renumbered from Section 36-12-15.1 is

3035 renumbered and amended to read:

3036 ~~[36-12-15.1].~~ 36-4a-304. **Office of the Legislative Auditor General --**

3037 **Budget and appropriation audits.**

3038 (1) As used in this section, "entity" means:

3039 (a) an entity in the executive branch that receives an ongoing line item appropriation in  
3040 an appropriations act; and

3041 (b) any local education agency, as defined in Section [53E-1-102](#), that receives public  
3042 funds.

3043 (2) (a) Each year, subject to the availability of work capacity and the discretion of the  
3044 Legislative Audit ~~[Committee]~~ Subcommittee, the Office of the Legislative Auditor General  
3045 may, in addition to other audits performed by the office, perform:

3046 (i) an audit of one or more executive branch entity's appropriations; and

3047 (ii) an audit of one or more local education agency's appropriations.

3048 (b) An audit performed ~~[pursuant to]~~ under Subsection (2)(a) shall, as is appropriate for  
3049 each individual audit:

3050 (i) evaluate the extent to which the entity has efficiently and effectively used the  
3051 appropriation by identifying:

3052 (A) the entity's appropriation history;

3053 (B) the entity's spending and efficiency history; and

3054 (C) historic trends in the entity's operational performance effectiveness;

3055 (ii) evaluate whether the entity's size and operation are commensurate with the entity's  
3056 spending history;

3057 (iii) evaluate whether the entity is diligent in its stewardship of state resources;

3058 (iv) provide an in-depth analysis and review of the entity's operations performance  
3059 improvements;

3060 (v) if possible, incorporate the audit methodology of other audits performed by the  
3061 Office of the Legislative Auditor General; and

3062 (vi) be conducted according to the process established for the Audit Subcommittee  
3063 created in Section ~~[36-12-8]~~ [36-3a-301](#).

3064 (c) After releasing an audit report ~~[pursuant to]~~ under Subsection (2)(a), the Audit  
3065 Subcommittee shall make the audit report available to:

- 3066 (i) each member of the Senate and the House of Representatives; and  
 3067 (ii) the governor or the governor's designee.
- 3068 (d) The Office of the Legislative Auditor General shall:
- 3069 (i) summarize the findings of an audit described in Subsection (2)(a) [in:]; and  
 3070 [(i) a unique section of the legislative auditor general's annual report; and]  
 3071 (ii) [a format that] provide a copy of each audit report and the annual report to the  
 3072 legislative fiscal analyst [may use in preparation of the annual appropriations no later than 30  
 3073 days before the day on which the Legislature convenes] as soon as each report is completed.
- 3074 (3) The Office of the Legislative Auditor General shall consult with the legislative  
 3075 fiscal analyst in preparing the summary required by Subsection (2)(d).
- 3076 (4) The Legislature, in evaluating an entity's request for an increase in its base budget,  
 3077 shall:
- 3078 (a) review the audit report required by this section and any relevant audits; and  
 3079 (b) consider the entity's request for an increase in its base budget in light of the entity's  
 3080 prior history of savings and efficiencies as evidenced by the audit report required by this  
 3081 section.

3082 Section 66. Section **36-4a-305** is enacted to read:

3083 **36-4a-305. Criminal provisions.**

3084 (1) An actor commits interference with a legislative audit if the actor interferes with:

3085 (a) a legislative audit, examination, or review of an entity conducted by the Office of  
 3086 the Legislative Auditor General; or

3087 (b) the Office of the Legislative Auditor General's decisions relating to:

3088 (i) the content of the report;

3089 (ii) the conclusions reached in the report; or

3090 (iii) the manner of disclosing the results and findings of the office.

3091 (2) A violation of Subsection (1) is a class B misdemeanor.

3092 Section 67. Section **36-5a-101**, which is renumbered from Section 36-14-1 is  
 3093 renumbered and amended to read:

3094 **CHAPTER 5a. LEGISLATIVE SUBPOENAS**

3095 **Part 1. General Provisions**

3096 ~~[36-14-1].~~ **36-5a-101. Definitions.**

3097 As used in this chapter:

3098 (1) "Issuer" means a person authorized to issue a subpoena by this chapter.

3099 (2) "Legislative body" means:

3100 (a) the Legislature;

3101 (b) the House or Senate; or

3102 (c) any committee or subcommittee of the Legislature, the House, or the Senate.

3103 (3) "Legislative office" means the Office of Legislative Research and General Counsel,  
3104 the Office of the Legislative Fiscal Analyst, and the Office of the Legislative Auditor General.

3105 (4) "Legislative staff member" means an employee or independent contractor of a  
3106 legislative office.

3107 (5) "Legislative subpoena" means a subpoena issued by an issuer on behalf of a  
3108 legislative body or legislative office and includes:

3109 (a) a subpoena requiring a person to appear and testify at a time and place designated in  
3110 the subpoena;

3111 (b) a subpoena requiring a person to:

3112 (i) appear and testify at a time and place designated in the subpoena; and

3113 (ii) produce accounts, books, papers, documents, electronically stored information, or  
3114 tangible things designated in the subpoena; and

3115 (c) a subpoena requiring a person to produce accounts, books, papers, documents,  
3116 electronically stored information, or tangible things designated in the subpoena at a time and  
3117 place designated in the subpoena.

3118 (6) "Special investigative committee" is as defined in Subsection [36-12-9\(1\)](#).

3119 Section 68. Section **36-5a-201**, which is renumbered from Section 36-14-2 is  
3120 renumbered and amended to read:

3121 **Part 2. Issuance and Contents of Legislative Subpoenas**

3122 **~~[36-14-2]~~. 36-5a-201. Issuers.**

3123 (1) Any of the following persons is an issuer, who may issue legislative subpoenas by  
3124 following the procedures set forth in this chapter:

3125 (a) the speaker of the House of Representatives;

3126 (b) the president of the Senate;

3127 (c) a chair of any legislative standing committee;

- 3128 (d) a chair of any legislative interim committee;
- 3129 (e) a chair of any special committee established by the Legislative Management
- 3130 Committee, the speaker of the House, or the president of the Senate;
- 3131 (f) a chair of any subcommittee of the Legislative Management Committee;
- 3132 (g) a chair of a special investigative committee;
- 3133 (h) a chair of a Senate or House Ethics Committee;
- 3134 (i) a chair of the Executive Appropriations Committee as created in [JR3-2-401](#);
- 3135 (j) a chair of an appropriations subcommittee as created in [JR3-2-302](#);
- 3136 (k) the director of the Office of Legislative Research and General Counsel;
- 3137 (l) the legislative auditor general;
- 3138 (m) the ~~[director of the Office of Legislative Fiscal Analyst]~~ legislative fiscal analyst;

3139 and

- 3140 (n) the legislative general counsel.
- 3141 (2) A legislative body, a legislative office, an issuer, or a legislative staff member

3142 designated by an issuer may:

- 3143 (a) administer an oath or affirmation; and
- 3144 (b) take evidence, including testimony.

3145 Section 69. Section **36-5a-202**, which is renumbered from Section 36-14-3 is  
3146 renumbered and amended to read:

3147 **~~[36-14-3].~~ 36-5a-202. Contents.**

3148 Each legislative subpoena shall include:

- 3149 (1) the name of the legislative body or office on whose behalf the subpoena is issued;
- 3150 (2) the signature of the issuer; and

3151 (3) a command to the person or entity to whom the subpoena is addressed to:

- 3152 (a) appear and testify at the time and place set forth in the subpoena;
- 3153 (b) appear and testify at the time and place designated in the subpoena and produce

3154 accounts, books, papers, documents, electronically stored information, or tangible things  
3155 designated in the subpoena; or

3156 (c) produce accounts, books, papers, documents, electronically stored information, or  
3157 tangible things designated in the subpoena at the time and place designated in the subpoena.

3158 Section 70. Section **36-5a-301**, which is renumbered from Section 36-14-4 is

3159 renumbered and amended to read:

3160 **Part 3. Service of Legislative Subpoenas**

3161 ~~[36-14-4]~~. **36-5a-301. Service.**

3162 Legislative subpoenas may be served:

3163 (1) within the state, by the sheriff of the county where service is made, or by his  
3164 deputy, or by any other person 18 years old or older who is not a member of the entity issuing  
3165 the subpoena;

3166 (2) in another state or United States territory, by the sheriff of the county where the  
3167 service is made, or by his deputy, or by a United States marshal or his deputy; or

3168 (3) in a foreign country:

3169 (a) by following the procedures prescribed by the law of the foreign country;

3170 (b) upon an individual, by any person 18 years old or older who is not a member of the  
3171 entity delivering the subpoena to him personally, and upon a corporation or partnership or  
3172 association, by any person 18 years old or older who is not a member of the entity delivering  
3173 the subpoena to an officer, a managing or general agent of the corporation, partnership, or  
3174 association; or

3175 (c) by any form of mail requiring a signed receipt, to be addressed and dispatched by  
3176 the legislative general counsel to the party to be served.

3177 Section 71. Section **36-5a-401**, which is renumbered from Section 36-14-5 is  
3178 renumbered and amended to read:

3179 **Part 4. Enforcement of Legislative Subpoenas**

3180 ~~[36-14-5]~~. **36-5a-401. Legislative subpoenas -- Enforcement.**

3181 (1) If any person disobeys or fails to comply with a legislative subpoena, or if a person  
3182 appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be  
3183 lawfully interrogated, that person is in contempt of the Legislature.

3184 (2) (a) When the subject of a legislative subpoena disobeys or fails to comply with the  
3185 legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a  
3186 matter upon which the person may be lawfully interrogated, the issuer may:

3187 (i) file a motion for an order to compel obedience to the subpoena with the district  
3188 court;

3189 (ii) file, with the district court, a motion for an order to show cause why the penalties

3190 established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person  
3191 named in the subpoena for contempt of the Legislature; or

3192 (iii) pursue other remedies against persons in contempt of the Legislature.

3193 (b) (i) Upon receipt of a motion under this subsection, the court shall expedite the  
3194 hearing and decision on the motion.

3195 (ii) A court may:

3196 (A) order the person named in the subpoena to comply with the subpoena; and

3197 (B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon  
3198 the person named in the subpoena for contempt of the Legislature.

3199 (3) (a) If a legislative subpoena requires the production of accounts, books, papers,  
3200 documents, electronically stored information, or tangible things, the person or entity to whom it  
3201 is directed may petition a district court to quash or modify the subpoena at or before the time  
3202 specified in the subpoena for compliance.

3203 (b) An issuer may respond to a motion to quash or modify the subpoena by pursuing  
3204 any remedy authorized by Subsection (2).

3205 (c) If the court finds that a legislative subpoena requiring the production of accounts,  
3206 books, papers, documents, electronically stored information, or tangible things is unreasonable  
3207 or oppressive, the court may quash or modify the subpoena.

3208 (4) Nothing in this section prevents an issuer from seeking an extraordinary writ to  
3209 remedy contempt of the Legislature.

3210 (5) Any party aggrieved by a decision of a court under this section may appeal that  
3211 action directly to the Utah Supreme Court.

3212 Section 72. Section ~~36-5a-402~~, which is renumbered from Section 36-14-6 is  
3213 renumbered and amended to read:

3214 ~~[36-14-6]~~. 36-5a-402. Fees and mileage.

3215 Except state officers and employees, witnesses appearing pursuant to a legislative  
3216 subpoena shall receive witness fees and mileage as provided by law for attendance before the  
3217 district courts of this state.

3218 Section 73. Section ~~36-6a-101~~ is enacted to read:

3219 **CHAPTER 6a. SPECIFIC LEGISLATIVE COMMITTEES**

3220 **Part 1. General Provisions**



3221 **36-6a-101. Reserved.**

3222 Reserved

3223 Section 74. Section **36-6a-201**, which is renumbered from Section 36-17-1 is  
3224 renumbered and amended to read:

3225 **Part 2. Legislative Process Committee**

3226 **[36-17-1]. 36-6a-201. Legislative Process Committee -- Membership.**

3227 There is created a Legislative Process Committee.

3228 (1) The committee shall be composed of eight legislators appointed as follows:

3229 (a) three senators, appointed by the president of the Senate, with one senator from the  
3230 minority party; and

3231 (b) five representatives, appointed by the speaker of the House of Representatives, with  
3232 two representatives from the minority party.

3233 (2) The president of the Senate shall designate one of the Senate appointees as one  
3234 cochair of the committee and the speaker of the House of Representatives shall designate one  
3235 of the House of Representatives appointees as the other cochair.

3236 (3) Committee members serve for [~~one year~~] two years but may be reappointed by the  
3237 speaker or president.

3238 (4) In conducting all of its business, the committee shall comply with the rules of  
3239 legislative interim committees.

3240 (5) The Office of Legislative Research and General Counsel shall provide staff services  
3241 to the committee.

3242 Section 75. Section **36-6a-202**, which is renumbered from Section 36-17-2 is  
3243 renumbered and amended to read:

3244 **[36-17-2]. 36-6a-202. Committee duties.**

3245 The committee shall:

3246 (1) review existing legislative and budget procedures and study the legislative and  
3247 budget procedures used in other states;

3248 (2) review and consider alternatives to the Utah Legislature's current process for  
3249 preparing a budget;

3250 (3) review and consider alternatives to the Utah Legislature's current process for  
3251 requesting, preparing, prefilng, and prioritizing legislation;

3252 (4) review and consider alternatives to the Utah Legislature's current process for  
3253 interims;

3254 (5) review and consider alternatives to the current role of standing committees in the  
3255 legislative process;

3256 (6) review and consider alternatives to the Utah Legislature's rules governing floor  
3257 actions;

3258 (7) review and consider alternative measures to meet the constitutional requirements  
3259 for Utah's legislative process;

3260 (8) review and consider any other matters involving the legislative process; and

3261 (9) make recommendations, if any, to the Legislative Management Committee for any  
3262 changes to the legislative process.

3263 Section 76. Section **36-6a-301**, which is renumbered from Section 36-32-102 is  
3264 renumbered and amended to read:

**Part 3. Judicial Rules Review Committee**

**~~[36-32-102].~~ 36-6a-301. Definitions.**

As used in this chapter:

3268 (1) "Advisory committee" means the committee that proposes to the Supreme Court  
3269 rules or changes in rules related to:

3270 (a) civil procedure;

3271 (b) criminal procedure;

3272 (c) juvenile procedure;

3273 (d) appellate procedure;

3274 (e) evidence; and

3275 (f) professional conduct.

3276 (2) "Committee" means the Judicial Rules Review Committee created in Section

3277 ~~[36-32-201]~~ 36-6a-302.

3278 (3) "Court rule" means any of the following:

3279 (a) rules of procedure, evidence, or practice for use of the courts of this state;

3280 (b) rules governing and managing the appellate process adopted by the Supreme Court;

3281 or

3282 (c) rules adopted by the Judicial Council for the administration of the courts of the

3283 state.

3284 (4) "Judicial Council" means the administrative body of the courts, established in Utah  
3285 Constitution, Article VIII, Section 12, and Section [78A-2-104](#).

3286 (5) "Proposal for court rule" means the proposed language in a court rule that is  
3287 submitted to:

3288 (a) the Judicial Council;

3289 (b) the advisory committee; or

3290 (c) the Supreme Court.

3291 Section 77. Section ~~36-6a-302~~, which is renumbered from Section 36-32-201 is  
3292 renumbered and amended to read:

3293 ~~[36-32-201]~~. 36-6a-302. **Establishment of committee -- Membership --**  
3294 **Duties.**

3295 (1) There is created a six member Judicial Rules Review Committee.

3296 (2) (a) The committee is comprised of:

3297 (i) three members of the Senate, no more than two from the same political party,  
3298 appointed by the president of the Senate; and

3299 (ii) three members of the House of Representatives, no more than two from the same  
3300 political party, appointed by the speaker of the House of Representatives.

3301 (b) A member shall serve for a two-year term, or until the member's successor is  
3302 appointed.

3303 (c) (i) A vacancy exists when a member:

3304 (A) is no longer a member of the Legislature; or

3305 (B) resigns from the committee.

3306 (ii) The appointing authority shall fill a vacancy.

3307 (iii) A member appointed to fill a vacancy shall serve out the unexpired term.

3308 (d) The committee may meet as needed:

3309 (i) to review:

3310 (A) court rules[?];

3311 (B) proposals for court rules; or

3312 (C) conflicts between court rules or proposals for court rules and statute or the Utah  
3313 Constitution; or

3314 (ii) to recommend legislative action related to a review described in Subsection  
3315 (2)(d)(i).

3316 Section 78. Section **36-6a-303**, which is renumbered from Section 36-32-202 is  
3317 renumbered and amended to read:

3318 ~~[36-32-202]~~. **36-6a-303. Submission of court rules or proposals for court**  
3319 **rules.**

3320 (1) The Supreme Court or the Judicial Council shall submit to the committee and the  
3321 governor each court rule, proposal for court rule, and any additional information related to a  
3322 court rule or proposal for court rule that the Supreme Court or Judicial Council considers  
3323 relevant:

3324 (a) when the court rule or proposal for court rule is submitted:

3325 (i) to the Judicial Council for consideration or approval for public comment; or

3326 (ii) to the Supreme Court by the advisory committee after the advisory committee's  
3327 consideration or approval; and

3328 (b) when the approved court rule or approved proposal for court rule is made available  
3329 to members of the bar and the public for public comment.

3330 (2) At the time of submission under Subsection (1), the Supreme Court or Judicial  
3331 Council shall provide the committee with the name and contact information of a Supreme  
3332 Court advisory committee or Judicial Council employee whom the committee may contact  
3333 about the submission.

3334 Section 79. Section **36-6a-304**, which is renumbered from Section 36-32-203 is  
3335 renumbered and amended to read:

3336 ~~[36-32-203]~~. **36-6a-304. Review of rules -- Criteria.**

3337 (1) As used in this section, "court rule" means a new court rule, a proposal for court  
3338 rule, or an existing court rule.

3339 (2) The committee:

3340 (a) shall review and evaluate a submission of:

3341 (i) a court rule; or

3342 (ii) a proposal for court rule; and

3343 (b) may review an existing court rule.

3344 (3) The committee shall conduct a review of a court rule described in Subsection (2)

3345 based on the following criteria:

- 3346 (a) whether the court rule is authorized by the state constitution or by statute;
- 3347 (b) if authorized by statute, whether the court rule complies with legislative intent;
- 3348 (c) whether the court rule is in conflict with existing statute or governs a policy
- 3349 expressed in statute;
- 3350 (d) whether the court rule is primarily substantive or procedural in nature;
- 3351 (e) whether the court rule infringes on the powers of the executive or legislative branch
- 3352 of government;
- 3353 (f) the impact of the court rule on an affected person;
- 3354 (g) the purpose for the court rule, and if applicable, the reason for a change to an
- 3355 existing court rule;
- 3356 (h) the anticipated cost or savings due to the court rule to:
- 3357 (i) the state budget;
- 3358 (ii) local governments; and
- 3359 (iii) individuals; and
- 3360 (i) the cost to an affected person of complying with the court rule.

3361 Section 80. Section **36-6a-305**, which is renumbered from Section 36-32-204 is

3362 renumbered and amended to read:

3363 ~~[36-32-204].~~ **36-6a-305. Committee review -- Fiscal analyst -- Powers of**

3364 **committee.**

3365 (1) To carry out the committee's duties, the committee may examine issues that the

3366 committee considers necessary in addition to the issues described in this chapter.

3367 (2) The committee may request that the Office of the Legislative Fiscal Analyst prepare

3368 a fiscal note on any court rule or proposal for court rule.

3369 (3) The committee has the powers granted to a legislative interim committee described

3370 in Section ~~[36-12-11]~~ 36-3a-501.

3371 Section 81. Section **36-6a-306**, which is renumbered from Section 36-32-205 is

3372 renumbered and amended to read:

3373 ~~[36-32-205].~~ **36-6a-306. Findings -- Report -- Distribution of report.**

3374 (1) The committee may:

3375 (a) make an informal recommendation about a court rule or proposal for court rule; [or]

3376 (b) provide written findings of the committee's review of a court rule or proposal for  
3377 court rule; and

3378 (c) if the committee identifies significant issues, provide written recommendations for:  
3379 (i) legislative action;  
3380 (ii) Supreme Court rulemaking action; or  
3381 (iii) Judicial Council rulemaking action.

3382 (2) The committee shall provide to the Supreme Court or the Judicial Council:  
3383 (a) a copy of the committee's findings or recommendations described in Subsection (1);  
3384 and  
3385 (b) a request that the Supreme Court or Judicial Council notify the committee of the  
3386 Supreme Court or Judicial Council's response.

3387 (3) The committee may prepare a report that includes:  
3388 (a) the findings and recommendations made by the committee based on the criteria  
3389 described in Section [~~36-32-203~~] [36-6a-304](#);  
3390 (b) any action taken by the Supreme Court or Judicial Council in response to  
3391 recommendations from the committee; and  
3392 (c) any recommendations described in Subsection (1).

3393 (4) The committee shall provide a report described in Subsection (3) to:  
3394 (a) the speaker of the House of Representatives;  
3395 (b) the president of the Senate;  
3396 (c) the chair of the House Judiciary Standing Committee;  
3397 (d) the chair of the Senate Judiciary, Law Enforcement, and Criminal Justice Standing  
3398 Committee;  
3399 (e) the Judiciary Interim Committee;  
3400 (f) the governor;  
3401 (g) the Executive Offices and Criminal Justice Appropriations Subcommittee;  
3402 (h) the Judicial Council; and  
3403 (i) the Supreme Court.

3404 Section 82. Section ~~36-6a-307~~, which is renumbered from Section 36-32-206 is  
3405 renumbered and amended to read:  
3406 ~~[36-32-206]~~. **36-6a-307. Publication of court rules and proposed court**

3407 **rules.**

3408           When the Supreme Court or Judicial Council submits a court rule or proposal for court  
3409 rule for public comment, the Supreme Court or Judicial Council shall submit the court rule or  
3410 proposal for court rule to publication houses that publish court rules, proposals to court rules,  
3411 case law, or other relevant information for individuals engaged in the legal profession.

3412           Section 83. Section **36-6a-308**, which is renumbered from Section 36-32-207 is  
3413 renumbered and amended to read:

3414           ~~[36-32-207]~~.           **36-6a-308. Duties of staff.**

3415           The Office of Legislative Research and General Counsel shall, when practicable, attend  
3416 meetings of the advisory committees of the Supreme Court.

3417           Section 84. Section **36-6a-401**, which is renumbered from Section 36-23-101.5 is  
3418 renumbered and amended to read:

3419                   **Part 4. Occupational and Professional Licensure Review Committee**

3420           ~~[36-23-101.5]~~.           **36-6a-401. Definitions.**

3421           As used in this chapter:

3422           (1) "Committee" means the Occupational and Professional Licensure Review  
3423 Committee created in Section ~~[36-23-102]~~ [36-6a-402](#).

3424           (2) "Government requestor" means:

3425           (a) the governor;

3426           (b) an executive branch officer other than the governor;

3427           (c) an executive branch agency;

3428           (d) a legislator; or

3429           (e) a legislative committee.

3430           (3) "Health or safety of the public" includes protecting against physical injury, property  
3431 damage, or financial harm of the public.

3432           (4) "Lawful occupation" means a course of conduct, pursuit, or profession that includes  
3433 the sale of goods or services that are not illegal to sell, irrespective of whether the individual  
3434 selling the goods or services is subject to an occupational regulation.

3435           (5) "License" or "licensing" means a state-granted authorization for a person to engage  
3436 in a specified lawful occupation:

3437           (a) based on the person meeting personal qualifications established under state law;

3438 and

3439 (b) where state law requires the authorization before the person may lawfully engage in  
3440 the occupation for compensation.

3441 (6) "Newly regulate" means to create by statute or administrative rule a new license,  
3442 certification, registration, or exemption classification regarding a lawful occupation.

3443 (7) "Personal qualifications" are criteria established in state law related to a person's  
3444 background and may include:

3445 (a) completion of an approved education program;

3446 (b) satisfactory performance on an examination;

3447 (c) work experience; and

3448 (d) completion of continuing education.

3449 (8) "Proposal" means:

3450 (a) an application submitted under Section [~~36-23-105~~] [36-6a-405](#), with or without  
3451 specific proposed statutory language;

3452 (b) a request for review by a legislator of the possibility of newly regulating a lawful  
3453 occupation, with or without specific proposed statutory language; or

3454 (c) proposed legislation to newly regulate a lawful occupation referred to the  
3455 committee by another legislative committee.

3456 (9) "State certification" means a state-granted authorization given to a person to use the  
3457 term "state certified" as part of a designated title related to engaging in a specified lawful  
3458 occupation:

3459 (a) based on the person meeting personal qualifications established under state law;

3460 and

3461 (b) where state law prohibits a noncertified person from using the term "state certified"  
3462 as part of a designated title, but does not otherwise prohibit a noncertified person from  
3463 engaging in the lawful occupation for compensation.

3464 (10) "State registration" means a state-granted authorization given to a person to use  
3465 the term "state registered" as part of a designated title related to engaging in a specified lawful  
3466 occupation:

3467 (a) based on the person meeting requirements established under state law, which may  
3468 include the person's name and address, the person's agent for service of process, the location of



3469 the activity to be performed, and bond or insurance requirements;

3470 (b) where state law does not require the person to meet any personal qualifications; and

3471 (c) where state law prohibits a nonregistered person from using the term "state  
3472 registered" as part of a designated title.

3473 (11) "Sunrise review" means a review under this chapter of a proposal to newly  
3474 regulate a lawful occupation.

3475 (12) "Sunset review" means a review under this chapter of a statute regarding a  
3476 regulated lawful occupation that is scheduled for termination under Title 63I, Chapter 1, Part 2,  
3477 Repeal Dates Requiring Committee Review by Title.

3478 Section 85. Section ~~36-6a-402~~, which is renumbered from Section 36-23-102 is  
3479 renumbered and amended to read:

3480 ~~[36-23-102]~~. 36-6a-402. Occupational and Professional Licensure Review  
3481 Committee.

3482 (1) There is created the Occupational and Professional Licensure Review Committee.

3483 (2) The committee consists of nine members appointed as follows:

3484 (a) three members of the House of Representatives, appointed by the speaker of the  
3485 House of Representatives, with no more than two appointees from the same political party;

3486 (b) three members of the Senate, appointed by the president of the Senate, with no  
3487 more than two appointees from the same political party; and

3488 (c) three public members appointed jointly by the speaker of the House of  
3489 Representatives and the president of the Senate from the following two groups:

3490 (i) at least one member who has previously served, but is no longer serving, on an  
3491 advisory board created under Title 58, Occupations and Professions; and

3492 (ii) at least one member from the general public who does not hold a license issued by  
3493 the Division of Occupational and Professional Licensing.

3494 (3) (a) The speaker of the House of Representatives shall designate a member of the  
3495 House of Representatives appointed under Subsection (2)(a) as a cochair of the committee.

3496 (b) The president of the Senate shall designate a member of the Senate appointed under  
3497 Subsection (2)(b) as a cochair of the committee.

3498 Section 86. Section ~~36-6a-403~~, which is renumbered from Section 36-23-103 is  
3499 renumbered and amended to read:

3500 ~~[36-23-103]~~. 36-6a-403. **Committee terms -- Vacancies.**

3501 (1) A legislator serving on the committee shall serve a two-year term or until the  
3502 legislator's successor is appointed.

3503 (2) (a) Except as provided in Subsection (2)(b), a public member shall serve a  
3504 three-year term or until the public member's successor is appointed.

3505 (b) The speaker of the House of Representatives and the president of the Senate shall,  
3506 at the time of appointment or reappointment, adjust the length of terms of the public members  
3507 to ensure that approximately one of the public members is appointed every year.

3508 (3) A legislative or public member of the committee may serve one or more terms.

3509 (4) (a) A vacancy occurs:

3510 (i) when a legislative member ceases to be a member of the Legislature;

3511 (ii) when a member of the committee resigns from the committee; or

3512 (iii) when a member is removed by the appointing authority for cause.

3513 (b) A vacancy shall be filled by the appointing authority, and the replacement member  
3514 shall serve for the remaining unexpired term.

3515 Section 87. Section ~~36-6a-404~~, which is renumbered from Section 36-23-104 is  
3516 renumbered and amended to read:

3517 ~~[36-23-104]~~. 36-6a-404. **Committee meetings -- Compensation -- Quorum**  
3518 **-- Legislative rules.**

3519 (1) The committee shall meet at least twice before November 1 of each year, at the call  
3520 of the committee chairs, to carry out the duties described in this chapter.

3521 (2) (a) A member who is not a legislator may not receive compensation or benefits for  
3522 the member's service, but may receive per diem and travel expenses as allowed in:

3523 (i) Section [63A-3-106](#);

3524 (ii) Section [63A-3-107](#); and

3525 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
3526 [63A-3-107](#).

3527 (b) Compensation and expenses of a member who is a legislator are governed by  
3528 Section ~~[36-2-2]~~ [36-2a-304](#) and Legislative Joint Rules, Title 5, Legislative Compensation and  
3529 Expenses.

3530 (3) (a) Five members of the committee ~~[constitute]~~ are a quorum.

3531 (b) If a quorum is present, the action of a majority of members present is the action of  
3532 the committee.

3533 (4) Except as provided in Subsection (3), in conducting all ~~[its]~~ the committee's  
3534 business, the committee shall comply with the rules of legislative interim committees regarding  
3535 motions.

3536 Section 88. Section ~~36-6a-405~~, which is renumbered from Section 36-23-105 is  
3537 renumbered and amended to read:

3538 ~~[36-23-105]~~. 36-6a-405. Applications -- Fees.

3539 (1) If a government requestor or a representative of a lawful occupation that is not  
3540 licensed by the state proposes that the state license or newly regulate a lawful occupation, the  
3541 requestor or representative shall, prior to the introduction of any proposed legislation, submit  
3542 an application for sunrise review to the Office of Legislative Research and General Counsel in  
3543 a form approved by the committee.

3544 (2) Along with any other information requested by the committee, the application shall  
3545 include a description of:

3546 (a) why licensing or other regulation of the lawful occupation is required to protect  
3547 against present, recognizable, and significant harm to the health or safety of the public; and

3548 (b) what is the least restrictive regulation of the lawful occupation that would protect  
3549 against recognizable and significant harm to the health or safety of the public.

3550 (3) If an application is submitted by a representative of a lawful occupation, the  
3551 application shall include a nonrefundable fee of \$500.

3552 (4) All application fees shall be deposited into the General Fund.

3553 Section 89. Section ~~36-6a-406~~, which is renumbered from Section 36-23-106 is  
3554 renumbered and amended to read:

3555 ~~[36-23-106]~~. 36-6a-406. Duties -- Reporting.

3556 (1) The committee shall:

3557 (a) for each application submitted in accordance with Section ~~[36-23-105]~~ 36-6a-405,  
3558 conduct a sunrise review in accordance with Section ~~[36-23-107]~~ 36-6a-407 before November  
3559 1:

3560 (i) of the year in which the application is submitted, if the application is submitted on  
3561 or before July 1; or

3562 (ii) of the year following the year in which the application is submitted, if the  
3563 application is submitted after July 1; and

3564 (b) (i) conduct a sunset review for each statute regarding a regulated lawful occupation  
3565 that is scheduled for termination under Title 63I, Chapter 1, Part 2, Repeal Dates Requiring  
3566 Committee Review by Title;

3567 (ii) conduct a sunset review under this Subsection (1)(b) before November 1 of the year  
3568 prior to the last general session of the Legislature that is scheduled to meet before the  
3569 scheduled termination date; and

3570 (iii) conduct a review or study regarding any other occupational or professional  
3571 licensure or other regulation matter referred to the committee by the Legislature, the Legislative  
3572 Management Committee, or other legislative committee.

3573 (2) (a) The committee may conduct a review or study regarding any occupational or  
3574 professional regulation matter.

3575 (b) In conducting a review or study under this Subsection (2), the committee shall  
3576 consider if the committee's recommendations would negatively affect the interest of members  
3577 of the regulated lawful occupation, including the effect on matters of reciprocity with other  
3578 states.

3579 (3) The committee shall submit, in accordance with Section [68-3-14](#), an annual written  
3580 report before November 1 to:

3581 (a) the Legislative Management Committee; and  
3582 (b) the Business and Labor Interim Committee.

3583 (4) The written report required by Subsection (3) shall include:

3584 (a) all findings and recommendations made by the committee in the calendar year; and  
3585 (b) a summary report of each review or study conducted by the committee stating:  
3586 (i) whether the review or study included a review of specific proposed or existing  
3587 statutory language;  
3588 (ii) action taken by the committee as a result of the review or study; and  
3589 (iii) a record of the vote for each action taken by the committee.

3590 Section 90. Section ~~36-6a-407~~, which is renumbered from Section 36-23-107 is  
3591 renumbered and amended to read:  
3592 ~~[36-23-107]~~. **36-6a-407. Sunrise or sunset review -- Criteria.**

3593 (1) In conducting a sunrise review or a sunset review under this chapter, the committee  
3594 may:

3595 (a) receive information from:

3596 (i) representatives of the lawful occupation proposed to be newly regulated or that is  
3597 subject to a sunset review;

3598 (ii) the Division of Occupational and Professional Licensing; or

3599 (iii) any other person; and

3600 (b) review a proposal with or without considering proposed statutory language.

3601 (2) When conducting a sunrise review or sunset review under this chapter, the  
3602 committee shall:

3603 (a) consider whether state regulation of the lawful occupation is necessary to address a  
3604 compelling state interest in protecting against present, recognizable, and significant harm to the  
3605 health or safety of the public;

3606 (b) consider if the committee's recommendations to the Legislature would negatively  
3607 affect the interests of members of the regulated lawful occupation, including the effect on  
3608 matters of reciprocity with other states;

3609 (c) if the committee determines that state regulation of the lawful occupation is not  
3610 necessary to protect against present, recognizable, and significant harm to the health or safety  
3611 of the public, recommend to the Legislature that the state not regulate the profession;

3612 (d) if the committee determines that state regulation of the lawful occupation is  
3613 necessary in protecting against present, recognizable, and significant harm to the health or  
3614 safety of the public, consider whether:

3615 (i) the proposed or existing statute is narrowly tailored to protect against present,  
3616 recognizable, and significant harm to the health or safety of the public; and

3617 (ii) a potentially less restrictive alternative to licensing, including state certification,  
3618 state registration, or exemption, would avoid unnecessary regulation while still protecting the  
3619 health and safety of the public; and

3620 (e) recommend to the Legislature any necessary changes to the proposed or existing  
3621 statute to ensure it is narrowly tailored to protect against present, recognizable, and significant  
3622 harm to the health or safety of the public.

3623 (3) In its performance of each sunrise review or sunset review, the committee may

3624 apply the following criteria, to the extent that it is applicable:

3625 (a) whether the unregulated practice of the occupation or profession has clearly harmed  
3626 or may harm or endanger the health, safety, or welfare of the public;

3627 (b) whether the potential for harm or endangerment described in Subsection (3)(a) is  
3628 easily recognizable and not remote;

3629 (c) whether regulation of the occupation or profession will significantly diminish an  
3630 identified risk to the health, safety, or welfare of the public;

3631 (d) whether regulation of the lawful occupation:

3632 (i) imposes significant new economic hardship on the public;

3633 (ii) significantly diminishes the supply of qualified practitioners; or

3634 (iii) otherwise creates barriers to service that are not consistent with the public welfare  
3635 or interest;

3636 (e) whether the lawful occupation requires knowledge, skills, and abilities that are:

3637 (i) teachable; and

3638 (ii) testable;

3639 (f) whether the lawful occupation is clearly distinguishable from other lawful  
3640 occupations that are already regulated;

3641 (g) whether the lawful occupation has:

3642 (i) an established code of ethics;

3643 (ii) a voluntary certification program; or

3644 (iii) other measures to ensure a minimum quality of service;

3645 (h) whether:

3646 (i) the lawful occupation involves the treatment of an illness, injury, or health care  
3647 condition; and

3648 (ii) practitioners of the lawful occupation will request payment of benefits for the  
3649 treatment under an insurance contract subject to Section [31A-22-618](#);

3650 (i) whether the public can be adequately protected by means other than regulation; and

3651 (j) other appropriate criteria as determined by the committee.

3652 Section 91. Section **36-6a-408**, which is renumbered from Section 36-23-108 is  
3653 renumbered and amended to read:

3654 ~~[36-23-108]~~. **36-6a-408**. Staff support.

3655 The Office of Legislative Research and General Counsel shall provide staff services to  
3656 the committee.

3657 Section 92. Section **36-6a-409**, which is renumbered from Section 36-23-109 is  
3658 renumbered and amended to read:

3659 ~~[36-23-109]~~. **36-6a-409. Review of state regulation of occupations.**

3660 (1) As part of the annual report described in Section ~~[36-23-106]~~ 36-4a-406, the  
3661 committee shall study and make recommendations regarding potentially less restrictive  
3662 alternatives to licensing for the regulation of lawful occupations, including registration,  
3663 certification, or exemption, if appropriate, that would avoid unnecessary regulation while still  
3664 protecting the health and safety of the public.

3665 (2) The committee shall study and make recommendations regarding lawful  
3666 occupations that require a license in the state so that each licensed lawful occupation is  
3667 reviewed every 10 years.

3668 Section 93. Section **36-6a-501**, which is renumbered from Section 36-22-1 is  
3669 renumbered and amended to read:

3670 **Part 5. Native American Legislative Liaison Committee**

3671 ~~[36-22-1]~~. **36-6a-501. Native American Legislative Liaison Committee --**  
3672 **Creation -- Membership -- Chairs -- Salaries and expenses.**

3673 (1) There is created the Native American Legislative Liaison Committee.

3674 (2) The committee consists of 11 members:

3675 (a) seven members from the House of Representatives appointed by the speaker, no  
3676 more than four of whom may be members of the same political party; and

3677 (b) four members of the Senate appointed by the president, no more than two of whom  
3678 may be members of the same political party.

3679 (3) The speaker of the House shall select one of the members from the House of  
3680 Representatives to act as cochair of the committee.

3681 (4) The president of the Senate shall select one of the members from the Senate to act  
3682 as cochair of the committee.

3683 (5) Compensation and expenses of a member who is a legislator are governed by  
3684 Section ~~[36-2-2]~~ 36-2a-304 and Legislative Joint Rules, Title 5, Legislative Compensation and  
3685 Expenses.

3686 Section 94. Section ~~36-6a-502~~, which is renumbered from Section 36-22-2 is  
3687 renumbered and amended to read:

3688 ~~[36-22-2]~~. **36-6a-502. Duties.**

3689 (1) The committee shall:

3690 (a) serve as a liaison between Utah Native American tribes and the Legislature;

3691 (b) recommend legislation for each annual general session of the Legislature if the  
3692 committee determines that modifications to current law are in the best interest of the state of  
3693 Utah and of the Utah Native American tribes;

3694 (c) review the operations of the Division of Indian Affairs and other state agencies  
3695 working with Utah Native American tribes;

3696 (d) help sponsor meetings and other opportunities for discussion with and between  
3697 Native Americans; and

3698 (e) hold a meeting at which public education is discussed as required by Section  
3699 [53F-5-604](#).

3700 (2) In conducting its business, the committee shall comply with the rules of legislative  
3701 interim committees.

3702 Section 95. Section ~~36-6a-503~~, which is renumbered from Section 36-22-3 is  
3703 renumbered and amended to read:

3704 ~~[36-22-3]~~. **36-6a-503. Staff support.**

3705 The Office of Legislative Research and General Counsel shall provide staff support to  
3706 the committee.

3707 Section 96. Section ~~36-7a-101~~ is enacted to read:

3708 **CHAPTER 7a. LEGISLATIVE TASK FORCES, WORK GROUPS, AND OTHER**  
3709 **ORGANIZATIONS IN WHICH LEGISLATORS PARTICIPATE.**

3710 **Part 1. General Provisions**

3711 **36-7a-101. Reserved.**

3712 Reserved

3713 Section 97. Section ~~36-7a-201~~, which is renumbered from Section 36-28-102 is  
3714 renumbered and amended to read:

3715 **Part 2. Veterans and Military Affairs Commission**

3716 ~~[36-28-102]~~. **36-7a-201. Veterans and Military Affairs Commission --**



3717 **Creation -- Membership -- Chairs -- Terms -- Per diem and expenses.**

3718 (1) There is created the Veterans and Military Affairs Commission.

3719 (2) The commission membership is composed of 19 permanent members, but may not  
3720 exceed 24 members, [~~and is~~] as follows:

3721 (a) five legislative members to be appointed as follows:

3722 (i) three members from the House of Representatives, appointed by the speaker of the  
3723 House of Representatives, no more than two of whom may be from the same political party;  
3724 and3725 (ii) two members from the Senate, appointed by the president of the Senate, no more  
3726 than one of whom may be from the same political party;3727 (b) the executive director of the Department of Veterans and Military Affairs or the  
3728 director's designee;

3729 (c) the chair of the Utah Veterans Advisory Council;

3730 (d) the executive director of the Department of Workforce Services or the director's  
3731 designee;

3732 (e) the executive director of the Department of Health or the director's designee;

3733 (f) the executive director of the Department of Human Services or the director's  
3734 designee;

3735 (g) the adjutant general of the Utah National Guard or the adjutant general's designee;

3736 (h) the Guard and Reserve Transition Assistance Advisor;

3737 (i) a member of the Utah Board of Higher Education or that member's designee;

3738 (j) three representatives of veteran service organizations recommended by the Veterans  
3739 Advisory Council and confirmed by the commission;

3740 (k) one member of the Executive Committee of the Utah Defense Alliance;

3741 (l) one military affairs representative from a chamber of commerce member, appointed  
3742 by the Utah State Chamber of Commerce; and

3743 (m) a representative from the Veterans Health Administration.

3744 (3) The commission may appoint by majority vote of the entire commission up to five  
3745 pro tempore members, representing:

3746 (a) state or local government agencies;

3747 (b) interest groups concerned with veterans issues; or

3748 (c) the general public.

3749 (4) (a) The president of the Senate shall designate a member of the Senate appointed  
3750 under Subsection (2)(a) as a cochair of the commission.

3751 (b) The speaker of the House of Representatives shall designate a member of the House  
3752 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

3753 (5) (a) A majority of the members of the commission [~~shall constitute~~] is a quorum.

3754 (b) The action of a majority of a quorum constitutes the action of the commission.

3755 (6) (a) The term for each pro tempore member appointed in accordance with

3756 Subsection (3) shall be two years from July 1 of the year of appointment.

3757 (b) A pro tempore member may not serve more than three terms.

3758 (7) (a) If a member leaves office or is unable to serve, [~~the vacancy shall be filled as it~~  
3759 ~~was originally appointed~~] the original appointing authority shall fill the vacancy.

3760 (b) A person appointed to fill a vacancy under Subsection (6) serves the remaining  
3761 unexpired term of the member being replaced. [~~If the remaining unexpired term is less than six~~  
3762 ~~months, the newly appointed member shall be reappointed on July 1. The time served until July~~  
3763 ~~1 is not counted in the restriction set forth in Subsection (6).]~~

3764 (8) A member may not receive compensation or benefits for the member's service but  
3765 may receive per diem and travel expenses in accordance with:

3766 (a) Section [63A-3-106](#);

3767 (b) Section [63A-3-107](#); and

3768 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
3769 [63A-3-107](#).

3770 (9) Salaries and expenses of the members of the commission who are legislators shall  
3771 be paid in accordance with Section [~~36-2-2~~] [36-2a-304](#) and Legislative Joint Rules, Title 5,  
3772 Chapter 3, Legislator Compensation.

3773 Section 98. Section ~~36-7a-202~~, which is renumbered from Section 36-28-103 is  
3774 renumbered and amended to read:

3775 ~~[36-28-103].~~ **36-7a-202. Duties.**

3776 The commission shall:

3777 (1) comply with the rules of legislative interim committees;

3778 (2) study and make recommendations to the Legislature on the following issues as they

3779 impact active duty servicemembers, veterans, and their dependents:

3780 (a) reintegration from military to civilian status;

3781 (b) employment;

3782 (c) finances;

3783 (d) education;

3784 (e) health and mental health, including suicide prevention;

3785 (f) military affairs, including the impact of military bases; and

3786 (g) coordination of state and local government resources to assist active duty

3787 servicemembers, veterans, and their dependents; and

3788 (3) consider the unique role of the Utah National Guard and its servicemembers in

3789 regard to the issues in Subsection (2).

3790 Section 99. Section **36-7a-203**, which is renumbered from Section 36-28-104 is

3791 renumbered and amended to read:

3792 ~~[36-28-104]~~. **36-7a-203. Staff support.**

3793 The Office of Legislative Research and General Counsel shall staff the commission.

3794 Section 100. Section **36-7a-301**, which is renumbered from Section 36-29-108 is

3795 renumbered and amended to read:

3796 **Part 3. Criminal Code Evaluation Task Force**

3797 ~~[36-29-108]~~. **36-7a-301. Criminal Code Evaluation Task Force.**

3798 (1) As used in this section, "task force" means the Criminal Code Evaluation Task

3799 Force created in this section.

3800 (2) There is created the Criminal Code Evaluation Task Force consisting of the

3801 following 15 members:

3802 (a) three members of the Senate appointed by the president of the Senate, no more than

3803 two of whom may be from the same political party;

3804 (b) three members of the House of Representatives appointed by the speaker of the

3805 House of Representatives, no more than two of whom may be from the same political party;

3806 (c) the executive director of the State Commission on Criminal and Juvenile Justice or

3807 the executive director's designee;

3808 (d) the director of the [~~Utah~~] Sentencing Commission or the director's designee;

3809 (e) one member appointed by the presiding officer of the [~~Utah~~] Judicial Council;

3810 (f) one member of the [~~Utah~~] Prosecution Council appointed by the chair of the Utah  
3811 Prosecution Council;

3812 (g) the executive director of the [~~Utah~~] Department of Corrections or the executive  
3813 director's designee;

3814 (h) the commissioner of the [~~Utah~~] Department of Public Safety or the commissioner's  
3815 designee;

3816 (i) the director of the Utah Office for Victims of Crime or the director's designee;

3817 (j) an individual who represents an association of criminal defense attorneys, appointed  
3818 by the president of the Senate; and

3819 (k) an individual who represents an association of victim advocates, appointed by the  
3820 speaker of the House of Representatives.

3821 (3) (a) The president of the Senate shall designate a member of the Senate appointed  
3822 under Subsection (2)(a) as a cochair of the task force.

3823 (b) The speaker of the House of Representatives shall designate a member of the House  
3824 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.

3825 (4) (a) A majority of the members of the task force constitutes a quorum.

3826 (b) The action of a majority of a quorum constitutes an action of the task force.

3827 (5) (a) Salaries and expenses of the members of the task force who are legislators shall  
3828 be paid in accordance with Section [~~36-2-2~~] [36-2a-304](#) and Legislative Joint Rules, Title 5,  
3829 Chapter 3, Legislator Compensation.

3830 (b) A member of the task force who is not a legislator:

3831 (i) may not receive compensation for the member's work associated with the task force;  
3832 and

3833 (ii) may receive per diem and reimbursement for travel expenses incurred as a member  
3834 of the task force at the rates established by the Division of Finance under Sections [63A-3-106](#)  
3835 and [63A-3-107](#).

3836 (6) The Office of Legislative Research and General Counsel shall provide staff support  
3837 to the task force.

3838 (7) The task force shall review the state's criminal code and related statutes and make  
3839 recommendations regarding:

3840 (a) the proper classification of crimes by degrees of felony and misdemeanor;

- 3841 (b) standardizing the format of criminal statutes; and
- 3842 (c) other modifications related to the criminal code and related statutes.
- 3843 (8) On or before November 30 of each year that the task force is in effect, the task
- 3844 force shall provide a report, including any proposed legislation, to:
- 3845 (a) the Law Enforcement and Criminal Justice Interim Committee; and
- 3846 (b) the Legislative Management Committee.
- 3847 (9) The task force is repealed April 15, 2023.

3848 Section 101. Section **36-7a-302** is enacted to read:

3849 **36-7a-302. Duties.**

3850 The task force shall review the state's criminal code and related statutes and make  
3851 recommendations regarding:

- 3852 (1) the proper classification of crimes by degrees of felony and misdemeanor;
- 3853 (2) standardizing the format of criminal statutes; and
- 3854 (3) other modifications related to the criminal code and related statutes.

3855 Section 102. Section **36-7a-303** is enacted to read:

3856 **36-7a-303. Report.**

3857 On or before November 30 of each year that the task force is in effect, the task force  
3858 shall provide a report, including any proposed legislation, to:

- 3859 (1) the Law Enforcement and Criminal Justice Interim Committee; and
- 3860 (2) the Legislative Management Committee.

3861 Section 103. Section **36-7a-304** is enacted to read:

3862 **36-7a-304. Repealer.**

3863 The task force is repealed April 15, 2023.

3864 Section 104. Section **36-7a-401**, which is renumbered from Section 36-29-107.5 is  
3865 renumbered and amended to read:

3866 **Part 4. Murdered and Missing Indigenous Women and Girls Task Force**

3867 ~~[36-29-107.5]~~. **36-7a-401. Murdered and Missing Indigenous Women and**  
3868 **Girls Task Force -- Creation -- Membership -- Quorum -- Compensation -- Staff --**  
3869 **Vacancies -- Duties -- Interim report.**

- 3870 (1) As used in this section, "task force" means the Murdered and Missing Indigenous
- 3871 Women and Girls Task Force created in Subsection (2).

- 3872 (2) There is created the Murdered and Missing Indigenous Women and Girls Task  
3873 Force consisting of the following nine members:
- 3874 (a) one member of the Senate appointed by the president of the Senate;
  - 3875 (b) one member of the House of Representatives appointed by the speaker of the House  
3876 of Representatives;
  - 3877 (c) the following three members, appointed jointly by the president of the Senate and  
3878 the speaker of the House of Representatives:
    - 3879 (i) a member of a nonprofit organization primarily serving Utah's Native American  
3880 community;
    - 3881 (ii) a representative of a Utah Native American tribe; and
    - 3882 (iii) a representative of a victim advocate organization serving Utah's Native American  
3883 population;
    - 3884 (d) the director of the Division of Indian Affairs, or the director's designee;
    - 3885 (e) the executive director of the Department of Human Services, or the executive  
3886 director's designee;
    - 3887 (f) the attorney general, or the attorney general's designee; and
    - 3888 (g) the commissioner of public safety for the Department of Public Safety, or the  
3889 commissioner's designee.
  - 3890 (3) A vacancy in a position appointed under Subsection (2)(a), (b), or (c) shall be filled  
3891 by appointing a replacement member in the same manner as the member creating the vacancy  
3892 was appointed under Subsection (2)(a), (b), or (c).
  - 3893 (4) (a) The member of the Senate appointed under Subsection (2)(a) is a cochair of the  
3894 task force.
  - 3895 (b) The member of the House of Representatives appointed under Subsection (2)(b) is  
3896 a cochair of the task force.
  - 3897 (5) (a) A quorum consists of five members.
  - 3898 (b) The action of a majority of a quorum constitutes an action of the task force.
  - 3899 (6) (a) Salaries and expenses of the members of the task force who are legislators shall  
3900 be paid in accordance with Section [~~36-2-2~~] [36-2a-304](#) and Legislative Joint Rules, Title 5,  
3901 Chapter 3, Legislator Compensation.
  - 3902 (b) A member of the task force who is not a legislator:

- 3903 (i) may not receive compensation or benefits for the member's service associated with  
3904 the task force; and
- 3905 (ii) may receive per diem and travel expenses incurred as a member of the task force at  
3906 the rates the Division of Finance establishes in accordance with:
- 3907 (A) Sections 63A-3-106 and 63A-3-107; and
- 3908 (B) rules the Division of Finance makes in accordance with Title 63G, Chapter 3, Utah  
3909 Administrative Rulemaking Act, to carry out the provisions of Sections 63A-3-106 and  
3910 63A-3-107.
- 3911 (7) The Office of Legislative Research and General Counsel shall provide staff support  
3912 to the task force.
- 3913 (8) The task force shall:
- 3914 (a) conduct appropriate consultations with tribal governments on the scope and nature  
3915 of the issues regarding murdered and missing indigenous women and girls;
- 3916 (b) develop model protocols and procedures to apply to new and unsolved cases of  
3917 murdered or missing indigenous women and girls, including the best practices for:
- 3918 (i) improving the way law enforcement investigators and prosecutors respond to the  
3919 high volume of the cases, and to the investigative challenges that might be presented in cases  
3920 involving female victims;
- 3921 (ii) collecting and sharing data among various jurisdictions and law enforcement  
3922 agencies; and
- 3923 (iii) better use of existing criminal databases;
- 3924 (c) seek input from multi-disciplinary and multi-jurisdictional persons, including  
3925 representatives from tribal law enforcement and federal agencies, about how to review cold  
3926 cases involving murdered and missing indigenous women and girls; and
- 3927 (d) address the need for greater clarity concerning roles, authorities, and jurisdiction  
3928 throughout the lifecycle of cases involving murdered and missing indigenous women and girls  
3929 by discussing:
- 3930 (i) best practices in cases involving murdered and missing indigenous women and girls,  
3931 including best practices related to communication with affected families from initiation of an  
3932 investigation through case resolution or closure; and
- 3933 (ii) education and outreach campaigns for communities that are most affected by crime

3934 resulting in murdered and missing indigenous women and girls to identify and reduce the  
3935 crime.

3936 (9) (a) On or before November 30, 2023, the task force shall provide a report to the  
3937 Law Enforcement and Criminal Justice Interim Committee.

3938 (b) The report described in Subsection (9)(a) shall include a summary of the task  
3939 force's findings under Subsection (8) and recommendations for improvements in the criminal  
3940 justice and social service systems for preventing and addressing crimes involving murdered and  
3941 missing indigenous women and girls in the state.

3942 Section 105. Section **36-7a-402** is enacted to read:

3943 **36-7a-402. Murdered and Missing Indigenous Women and Girls Task Force --**  
3944 **Duties.**

3945 The task force shall:

3946 (1) conduct appropriate consultations with tribal governments on the scope and nature  
3947 of the issues regarding murdered and missing indigenous women and girls;

3948 (2) develop model protocols and procedures to apply to new and unsolved cases of  
3949 murdered or missing indigenous women and girls, including the best practices for:

3950 (a) improving the way law enforcement investigators and prosecutors respond to the  
3951 high volume of the cases, and to the investigative challenges that might be presented in cases  
3952 involving female victims;

3953 (b) collecting and sharing data among various jurisdictions and law enforcement  
3954 agencies; and

3955 (c) better use of existing criminal databases;

3956 (3) seek input from multi-disciplinary and multi-jurisdictional persons, including  
3957 representatives from tribal law enforcement and federal agencies, about how to review cold  
3958 cases involving murdered and missing indigenous women and girls; and

3959 (4) address the need for greater clarity concerning roles, authorities, and jurisdiction  
3960 throughout the lifecycle of cases involving murdered and missing indigenous women and girls  
3961 by discussing:

3962 (a) best practices in cases involving murdered and missing indigenous women and  
3963 girls, including best practices related to communication with affected families from initiation  
3964 of an investigation through case resolution or closure; and



3965 (b) education and outreach campaigns for communities that are most affected by crime  
 3966 resulting in murdered and missing indigenous women and girls to identify and reduce the  
 3967 crime.

3968 Section 106. Section **36-7a-403** is enacted to read:

3969 **36-7a-403. Murdered and Missing Indigenous Women and Girls Task Force --**  
 3970 **Report.**

3971 (1) On or before November 30, 2023, the task force shall provide a report to the Law  
 3972 Enforcement and Criminal Justice Interim Committee.

3973 (2) The report shall include a summary of the task force's findings and  
 3974 recommendations for improvements in the criminal justice and social service systems for  
 3975 preventing and addressing crimes involving murdered and missing indigenous women and girls  
 3976 in the state.

3977 Section 107. Section **36-7a-501**, which is renumbered from Section 36-29-201 is  
 3978 renumbered and amended to read:

**Part 5. State Flag Task Force**

3980 ~~[36-29-201].~~ **36-7a-501. Definitions.**

3981 As used in this part, "task force" means the State Flag Task Force created in [~~Section~~  
 3982 ~~36-29-202~~] this part.

3983 Section 108. Section **36-7a-502**, which is renumbered from Section 36-29-202 is  
 3984 renumbered and amended to read:

3985 ~~[36-29-202].~~ **36-7a-502. State Flag Task Force -- Creation -- Membership**  
 3986 **-- Meetings -- Vacancies -- Per diem and expenses -- Staff.**

3987 (1) There is created the State Flag Task Force.

3988 (2) The task force consists of the following nine members:

3989 (a) the governor, or the governor's designee;

3990 (b) the lieutenant governor, or the lieutenant governor's designee;

3991 (c) three members of the Senate, appointed by the president of the Senate;

3992 (d) three members of the House of Representatives, appointed by the speaker of the  
 3993 House of Representatives; and

3994 (e) the executive director of the Department of Cultural and Community Engagement.

3995 (3) Each individual with authority to appoint a member of the task force under

3996 Subsection (2) shall make the appointment on or before June 1, 2021.

3997 (4) The governor shall appoint a chair of the task force.

3998 (5) A majority of the task force constitutes a quorum for the transaction of task force  
3999 business.

4000 (6) The task force shall ensure that each meeting of the task force complies with Title  
4001 52, Chapter 4, Open and Public Meetings Act.

4002 (7) The term of each member of the task force ends on November 30, 2023.

4003 (8) (a) A member of the task force may be removed from the task force by the  
4004 individual who appointed the member.

4005 (b) Within 14 days after the day on which a vacancy occurs on the task force for any  
4006 reason, the individual who originally appointed the member shall fill the vacancy in accordance  
4007 with Subsection (2).

4008 (9) (a) Subject to Subsection (9)(b), a task force member may not receive  
4009 compensation or benefits for the member's service on the task force but may receive per diem  
4010 and reimbursement for travel expenses incurred as a task force member in accordance with:

4011 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

4012 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
4013 [63A-3-107](#).

4014 (b) Compensation and expenses of a task force member who is a legislator are  
4015 governed by Section [~~36-2-2~~] [36-2a-304](#) and Legislative Joint Rules, Title 5, Legislative  
4016 Compensation and Expenses.

4017 (10) The Department of Cultural and Community Engagement shall provide staff  
4018 support for the task force and assist the task force in conducting task force meetings.

4019 Section 109. Section **36-7a-503**, which is renumbered from Section 36-29-203 is  
4020 renumbered and amended to read:

4021 ~~[36-29-203]~~. **36-7a-503. Task force duties.**

4022 (1) The task force shall:

4023 (a) convene the task force's initial meeting on or before June 11, 2021;

4024 (b) establish and adopt guiding principles for the task force regarding flag design and  
4025 the goals of recommending a revised or new state flag for the state;

4026 (c) create a process for the submission and task force assessment of proposed designs

4027 for a revised or new state flag of Utah, including a process that includes the design community;

4028 (d) on or before September 15, 2022, select a group of up to 10 proposed flag designs

4029 that:

4030 (i) represent the state; and

4031 (ii) adhere to the guiding principles described in Subsection (1)(b);

4032 (e) create a process that includes the gathering of public input to review the proposed

4033 flag designs described in Subsection (1)(d), including the public input of children and young

4034 people in the state, and to select a proposed revised or new state flag of Utah; and

4035 (f) on or before November 1, 2022, provide a written report and recommendations to

4036 the Economic Development and Workforce Services Interim Committee and the Legislature

4037 regarding:

4038 (i) the proposed flag designs described in Subsection (1)(d);

4039 (ii) the process and results of the review of the proposed flag designs described in

4040 Subsection (1)(e);

4041 (iii) the task force's recommendation for the design of a revised or new state flag of

4042 Utah; and

4043 (iv) proposed legislation retaining the current flag, revising the current flag, or

4044 designating a new state flag of Utah, which may include a recommendation to designate the

4045 current state flag of Utah described in Section [63G-1-501](#) as the governor's flag.

4046 (2) The task force may:

4047 (a) create working groups to carry out the task force's duties under this section,

4048 including working with one or more graphic designers or other professionals to review and

4049 improve designs for consideration by the task force; and

4050 (b) accept contributions from private or public sources for the purpose of awarding a

4051 prize to one or more creators of flag designs selected and recommended by the task force.

4052 Section 110. Section **36-7a-601**, which is renumbered from Section 36-12-20 is

4053 renumbered and amended to read:

4054 **Part 6. Energy Producer States Commission**

4055 **[~~36-12-20~~]. 36-7a-601. Development of proposed energy producer states'**

4056 **agreement -- Membership selection -- Agreements -- Goals -- Meetings -- Reports.**

4057 (1) The speaker of the House shall appoint two members of the House and the

4058 president of the Senate shall appoint two members of the Senate, of which no more than three  
4059 of the four members shall be from the same political party, to study and work with legislative  
4060 members of other energy producing states for the purpose of developing a proposed energy  
4061 producer states' agreement.

4062 (2) The proposed energy producer states' agreement shall have the following goals:

4063 (a) to encourage domestic development of energy in the United States;

4064 (b) to ensure the continued development of each state's domestic natural resources;

4065 (c) to deliver a unified message to the federal government from energy producing states

4066 by:

4067 (i) participating in the development of proposed federal legislation and regulations; and

4068 (ii) making recommendations regarding existing federal law and regulations including

4069 the following:

4070 (A) the Environmental Protection Act;

4071 (B) the Endangered Species Act; and

4072 (C) federal land access issues that affect the production of energy;

4073 (d) to eliminate or reduce overly broad federal legislation; and

4074 (e) to identify and address consequences of delays and cancellations of economically  
4075 viable energy projects.

4076 (3) Appointed members shall:

4077 (a) produce a report with recommendations regarding an energy producer states'  
4078 agreement; and

4079 (b) present the report to the Natural Resources, Agriculture, and Environment Interim  
4080 Committee and the Public Utilities, Energy, and Technology Interim Committee on or before  
4081 November 30 of each year.

4082 (4) Compensation and expenses of a member who is a legislator are governed by

4083 [~~Section 36-2-2~~] Section 36-2a-304 and Legislative Joint Rules, Title 5, Legislative  
4084 Compensation and Expenses.

4085 (5) The Office of Legislative Research and General Counsel shall provide staff  
4086 assistance as requested.

4087 Section 111. Section **49-11-406** is amended to read:

4088 **49-11-406. Governor's appointed executives and senior staff -- Appointed**

4089 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

4090 (1) As used in this section:

4091 (a) "Defined benefit balance" means the total amount of the contributions made on  
4092 behalf of a member to a defined benefit system plus refund interest.4093 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
4094 executive director, or director and includes a deputy director and other similar, at-will  
4095 employee positions designated by the governor, the speaker of the House, or the president of  
4096 the Senate and filed with the Division of Human Resource Management and the Utah State  
4097 Retirement Office.4098 (2) In accordance with this section and subject to requirements under federal law and  
4099 rules made by the board, a member who has service credit from a system may elect to be  
4100 exempt from coverage under a defined benefit system and to have the member's defined benefit  
4101 balance transferred from the defined benefit system or plan to a defined contribution plan in the  
4102 member's own name if the member is:

4103 (a) the state auditor;

4104 (b) the state treasurer;

4105 (c) an appointed executive under Subsection [67-22-2\(1\)\(a\)](#);4106 (d) an employee in the ~~[Governor's Office]~~ governor's office;

4107 (e) senior staff in the Governor's Office of Planning and Budget;

4108 (f) senior staff in the Governor's Office of Economic Opportunity;

4109 (g) senior staff in the State Commission on Criminal and Juvenile Justice;

4110 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section

4111 [63L-11-201](#);4112 (i) a legislative employee appointed under Subsection ~~[36-12-7]~~ [36-3a-202\(3\)\(a\)](#); or4113 (j) a legislative employee appointed by the speaker of the House of Representatives, the  
4114 House of Representatives minority leader, the president of the Senate, or the Senate minority  
4115 leader.

4116 (3) An election made under Subsection (2):

4117 (a) is final, and no right exists to make any further election;

4118 (b) is considered a request to be exempt from coverage under a defined benefits  
4119 system; and

4120 (c) shall be made on forms provided by the office.

4121 (4) The board shall adopt rules to implement and administer this section.

4122 Section 112. Section **51-10-201** is amended to read:

4123 **51-10-201. Fund created.**

4124 (1) There is created a private-purpose trust fund entitled the "Navajo Trust Fund."

4125 (2) The fund consists of:

4126 (a) revenue received by the state that represents the 37-1/2% of the net oil royalties  
4127 from the Aneth Extension of the Navajo Indian Reservation required by Pub. L. No. 72-403, 47

4128 Stat. 141, to be paid to the state;

4129 (b) money received by the trust administrator from a contract executed by:

4130 (i) the trust administrator; or

4131 (ii) the board;

4132 (c) appropriations made to the fund by the Legislature, if any;

4133 (d) income;

4134 (e) money related to litigation, including settlement of litigation, related to the royalties  
4135 described in Subsection (2)(a);

4136 (f) the balance of the Utah Navajo Royalties Holding Fund as of July 1, 2015, which  
4137 shall be transferred to the fund; and

4138 (g) other revenue received from other sources.

4139 (3) The trust administrator shall account for the receipt and expenditures of fund  
4140 money in accordance with Subsection [51-10-204\(1\)\(m\)](#) and the policies and guidance of the  
4141 Division of Finance.

4142 (4) (a) (i) The state treasurer shall invest the fund money with the primary goal of  
4143 providing for the stability, income, and growth of the principal.

4144 (ii) Nothing in this section requires a specific outcome in investing.

4145 (iii) The state treasurer may deduct any administrative costs incurred in managing fund  
4146 assets from earnings before distributing them.

4147 (iv) (A) The state treasurer may employ professional asset managers to assist in the  
4148 investment of assets of the fund.

4149 (B) The state treasurer may only provide compensation to asset managers from  
4150 earnings generated by the fund's investments.

4151 (v) The state treasurer shall invest and manage the fund assets as a prudent investor  
4152 would, by:

4153 (A) considering the purposes, terms, distribution requirements, and other  
4154 circumstances of the fund; and

4155 (B) exercising reasonable care, skill, and caution in order to meet the standard of care  
4156 of a prudent investor.

4157 (vi) In determining whether or not the state treasurer has met the standard of care of a  
4158 prudent investor, the judge or finder of fact shall:

4159 (A) consider the state treasurer's actions in light of the facts and circumstances existing  
4160 at the time of the investment decision or action, and not by hindsight; and

4161 (B) evaluate the state treasurer's investment and management decisions respecting  
4162 individual assets not in isolation, but in the context of a fund portfolio as a whole as a part of  
4163 an overall investment strategy that has risk and return objectives reasonably suited to the fund.

4164 (b) (i) The fund shall earn interest.

4165 (ii) The state treasurer shall deposit the interest or other revenue earned from  
4166 investment of the fund into the fund.

4167 (5) The state auditor shall:

4168 (a) conduct an annual audit of the fund's finances, internal controls, and compliance  
4169 with statutes, rules, and policies in accordance with Title 67, Chapter 3, Auditor; and

4170 (b) deliver a copy of the annual audit report to the:

4171 (i) board;

4172 (ii) trust administrator;

4173 (iii) Diné Advisory Committee;

4174 (iv) Office of Legislative Research and General Counsel for presentation to the Native  
4175 American Legislative Liaison Committee, created in Section ~~[36-22-1]~~ [36-6a-501](#);

4176 (v) governor's office;

4177 (vi) Division of Indian Affairs;

4178 (vii) Navajo Nation;

4179 (viii) United States Bureau of Indian Affairs; and

4180 (ix) United States Secretary of the Interior.

4181 Section 113. Section **51-10-204** is amended to read:

4182 **51-10-204. Trust administrator duties.**

4183 (1) Under the direction of the board, the trust administrator shall:

4184 (a) review the documents and decisions highlighting the history of the fund, including:

4185 (i) the Nelson report, prepared as part of the Bigman v. Utah Navajo Development

4186 Council, Inc. C77-0031;

4187 (ii) the November 1991 performance audit of the fund by the legislative auditor

4188 general;

4189 (iii) *Sakezzie v. Utah Indian Affairs Commission*, 198 F. Supp. 218 (1961);

4190 (iv) *Sakezzie v. Utah Indian Affairs Commission*, 215 F. Supp. 12 (1963);

4191 (v) the September 8, 1977, consent decree, the stipulation dated November 29, 1984,

4192 modifying the consent decree, and the court's memorandum opinion dated September 25, 1978,

4193 in *Bigman v. Utah Navajo Development Council, Inc. C77-0031*; and

4194 (vi) rulings related to *Pelt v. Utah*;

4195 (b) review all potential sources of fund revenues;

4196 (c) prepare annual projections of money that will be available for Navajo programs;

4197 (d) identify the property owned by the fund;

4198 (e) establish and maintain a record system and retention schedule to retain records

4199 relating to the fund's property and operations, including:

4200 (i) records related to the ethics and conflict policy developed under Subsection (2)(c);

4201 (ii) requests for proposals and proposals received;

4202 (iii) contracts awarded;

4203 (iv) project progress and completion reports;

4204 (v) invoices; and

4205 (vi) purchasing records;

4206 (f) review the existing and proposed programs financed by the fund;

4207 (g) evaluate whether the programs described in Subsection (1)(f) are the most practical

4208 and cost-efficient means to provide the desired benefit to Navajos;

4209 (h) consult regularly with the administrators of the programs financed by the fund to

4210 obtain progress reports on the programs;

4211 (i) attend all meetings of:

4212 (i) the Diné Advisory Committee; and



- 4213 (ii) the board;
- 4214 (j) certify that the expenditures of the fund:
- 4215 (i) comply with the state's fiduciary responsibilities as trustee of the fund; and
- 4216 (ii) are consistent with this section;
- 4217 (k) make an annual report:
- 4218 (i) to the:
- 4219 (A) board;
- 4220 (B) governor; and
- 4221 (C) Native American Legislative Liaison Committee, created in Section [~~36-22-1~~]
- 4222 [36-6a-501](#); and
- 4223 (ii) that:
- 4224 (A) identifies the source and amount of the revenue received by the fund;
- 4225 (B) identifies the recipient, purpose, and amount of the expenditures from the fund;
- 4226 (C) identifies specifically each of the fund's investments and the actual return and the
- 4227 rate of return from each investment; and
- 4228 (D) recommends any necessary statutory changes to improve administration of the fund
- 4229 or to protect the state from liability as trustee;
- 4230 (l) submit a written annual report to the:
- 4231 (i) Division of Indian Affairs;
- 4232 (ii) Navajo Nation;
- 4233 (iii) United States Bureau of Indian Affairs; and
- 4234 (iv) United States Secretary of the Interior;
- 4235 (m) establish, in conjunction with the state treasurer and the Division of Finance,
- 4236 appropriate accounting practices for the fund receipts, expenditures, and investments according
- 4237 to generally accepted accounting principles;
- 4238 (n) provide summary records of fund receipts, expenditures, and investments to the
- 4239 board and to the Diné Advisory Committee at each of their meetings;
- 4240 (o) pay administrative expenses from the fund;
- 4241 (p) report monthly to the board about:
- 4242 (i) the trust administrator's activities; and
- 4243 (ii) the status of the fund; and

4244 (q) call additional meetings of the Diné Advisory Committee when necessary.  
4245 (2) In conjunction with the Diné Advisory Committee and under the direction of the  
4246 board, the trust administrator shall:  
4247 (a) before the beginning of each fiscal year, establish a list of the needs of Navajos for  
4248 that year to be used for the annual budget;  
4249 (b) before the beginning of each fiscal year, develop and approve an annual budget for  
4250 the fund;  
4251 (c) develop an ethics and conflict of interest policy that emphasizes the need to avoid  
4252 even the appearance of conflict of interest or impropriety that is to apply to:  
4253 (i) the trust administrator;  
4254 (ii) the trust administrator's staff; and  
4255 (iii) the Diné Advisory Committee;  
4256 (d) require the trust administrator, each of the trust administrator's staff, and each  
4257 member of the Diné Advisory Committee to sign and keep on file written documentation that  
4258 acknowledges:  
4259 (i) their receipt of the ethics and conflict of interest policy described in Subsection  
4260 (2)(c); and  
4261 (ii) their willingness to abide by the ethics and conflict of interest policy described in  
4262 Subsection (2)(c); and  
4263 (e) make expenditures from the fund:  
4264 (i) "for the health, education, and general welfare of the Navajo Indians residing in San  
4265 Juan County" as required by:  
4266 (A) Pub. L. No. 72-403, 47 Stat. 1418 (1933);  
4267 (B) Pub. L. No. 90-306, 82 Stat. 121 (1968); and  
4268 (C) this chapter; and  
4269 (ii) including expenditure for roads and utilities.  
4270 (3) The trust administrator, under direction of the board, may:  
4271 (a) contract with public and private entities; and  
4272 (b) unless prohibited by law or this chapter, acquire and hold money and other property  
4273 received in the administration of the fund.  
4274 Section 114. Section **52-4-103** is amended to read:

4275 **52-4-103. Definitions.**

4276 As used in this chapter:

4277 (1) "Anchor location" means the physical location from which:

4278 (a) an electronic meeting originates; or

4279 (b) the participants are connected.

4280 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by  
4281 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake  
4282 City.4283 (3) (a) "Convening" means the calling together of a public body by a person authorized  
4284 to do so for the express purpose of discussing or acting upon a subject over which that public  
4285 body has jurisdiction or advisory power.4286 (b) "Convening" does not include the initiation of a routine conversation between  
4287 members of a board of trustees of a large public transit district if the members involved in the  
4288 conversation do not, during the conversation, take a tentative or final vote on the matter that is  
4289 the subject of the conversation.4290 (4) "Electronic meeting" means a public meeting convened or conducted by means of a  
4291 conference using electronic communications.

4292 (5) "Electronic message" means a communication transmitted electronically, including:

4293 (a) electronic mail;

4294 (b) instant messaging;

4295 (c) electronic chat;

4296 (d) text messaging, as that term is defined in Section [76-4-401](#); or4297 (e) any other method that conveys a message or facilitates communication  
4298 electronically.4299 (6) (a) "Meeting" means the convening of a public body or a specified body, with a  
4300 quorum present, including a workshop or an executive session, whether in person or by means  
4301 of electronic communications, for the purpose of discussing, receiving comments from the  
4302 public about, or acting upon a matter over which the public body or specific body has  
4303 jurisdiction or advisory power.

4304 (b) "Meeting" does not mean:

4305 (i) a chance gathering or social gathering;

4306 (ii) a convening of the State Tax Commission to consider a confidential tax matter in  
4307 accordance with Section 59-1-405; or

4308 (iii) a convening of a three-member board of trustees of a large public transit district as  
4309 defined in Section 17B-2a-802 if:

4310 (A) the board members do not, during the conversation, take a tentative or final vote on  
4311 the matter that is the subject of the conversation; or

4312 (B) the conversation pertains only to day-to-day management and operation of the  
4313 public transit district.

4314 (c) "Meeting" does not mean the convening of a public body that has both legislative  
4315 and executive responsibilities if:

4316 (i) no public funds are appropriated for expenditure during the time the public body is  
4317 convened; and

4318 (ii) the public body is convened solely for the discussion or implementation of  
4319 administrative or operational matters:

4320 (A) for which no formal action by the public body is required; or

4321 (B) that would not come before the public body for discussion or action.

4322 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the  
4323 public statements of each member of the public body who is participating in a meeting.

4324 (8) "Participate" means the ability to communicate with all of the members of a public  
4325 body, either verbally or electronically, so that each member of the public body can hear or  
4326 observe the communication.

4327 (9) (a) "Public body" means:

4328 (i) any administrative, advisory, executive, or legislative body of the state or its  
4329 political subdivisions that:

4330 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

4331 (B) consists of two or more persons;

4332 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

4333 (D) is vested with the authority to make decisions regarding the public's business; or

4334 (ii) any administrative, advisory, executive, or policymaking body of an association, as  
4335 that term is defined in Section 53G-7-1101, that:

4336 (A) consists of two or more persons;

4337 (B) expends, disburses, or is supported in whole or in part by dues paid by a public  
4338 school or whose employees participate in a benefit or program described in Title 49, Utah State  
4339 Retirement and Insurance Benefit Act; and

4340 (C) is vested with authority to make decisions regarding the participation of a public  
4341 school or student in an interscholastic activity, as that term is defined in Section [53G-7-1101](#).

4342 (b) "Public body" includes:

4343 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in  
4344 Section [11-13-103](#);

4345 (ii) a governmental nonprofit corporation as that term is defined in Section [11-13a-102](#);  
4346 and

4347 (iii) the Utah Independent Redistricting Commission.

4348 (c) "Public body" does not include:

4349 (i) a political party, a political group, or a political caucus;

4350 (ii) a conference committee, a rules committee, or a sifting committee of the  
4351 Legislature;

4352 (iii) a school community council or charter trust land council, as that term is defined in  
4353 Section [53G-7-1203](#);

4354 (iv) a taxed interlocal entity, as that term is defined in Section [11-13-602](#); or

4355 (v) the following Legislative Management subcommittees, which are established in  
4356 Section ~~[\[36-12-8\]](#)~~ [36-3a-301](#), when meeting for the purpose of selecting or evaluating a  
4357 candidate to recommend for employment, except that the meeting in which a subcommittee  
4358 votes to recommend that a candidate be employed shall be subject to the provisions of this act:

4359 (A) the Research and General Counsel Subcommittee;

4360 (B) the Budget Subcommittee; and

4361 (C) the Audit Subcommittee.

4362 (10) "Public statement" means a statement made in the ordinary course of business of  
4363 the public body with the intent that all other members of the public body receive it.

4364 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless  
4365 otherwise defined by applicable law.

4366 (b) "Quorum" does not include a meeting of two elected officials by themselves when  
4367 no action, either formal or informal, is taken.

4368 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a  
4369 meeting that can be used to review the proceedings of the meeting.

4370 (13) "Specified body":

4371 (a) means an administrative, advisory, executive, or legislative body that:

4372 (i) is not a public body;

4373 (ii) consists of three or more members; and

4374 (iii) includes at least one member who is:

4375 (A) a legislator; and

4376 (B) officially appointed to the body by the president of the Senate, speaker of the  
4377 House of Representatives, or governor; and

4378 (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).

4379 (14) "Transmit" means to send, convey, or communicate an electronic message by  
4380 electronic means.

4381 Section 115. Section **53-1-102** is amended to read:

4382 **53-1-102. Definitions.**

4383 (1) As used in this title:

4384 (a) "Capitol hill complex" means the same as that term is defined in Section  
4385 [63C-9-102](#).

4386 (b) "Commissioner" means the commissioner of public safety appointed under Section  
4387 [53-1-107](#).

4388 (c) "Department" means the Department of Public Safety created in Section [53-1-103](#).

4389 (d) "Governor-elect" means an individual whom the board of canvassers determines to  
4390 be the successful candidate for governor after a general election for the office of governor.

4391 (e) "Law enforcement agency" means an entity or division of:

4392 (i) (A) the federal government, a state, or a political subdivision of a state;

4393 (B) a state institution of higher education; or

4394 (C) a private institution of higher education, if the entity or division is certified by the  
4395 commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency;

4396 and

4397 (ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes,  
4398 and ordinances.

4399 (f) "Law enforcement officer" means the same as that term is defined in Section  
4400 [53-13-103](#).

4401 (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by  
4402 electric power obtained from overhead trolley wires, but not operated upon rails, except  
4403 motorized wheel chairs and vehicles moved solely by human power.

4404 (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,  
4405 Peace Officer Classifications.

4406 (i) "Public official" means the same as that term is defined in Section [~~36-11-102~~]  
4407 [67-1c-101](#).

4408 (j) "State institution of higher education" means the same as that term is defined in  
4409 Section [53B-3-102](#).

4410 (k) "Vehicle" means every device in, upon, or by which any person or property is or  
4411 may be transported or drawn upon a highway, excepting devices used exclusively upon  
4412 stationary rails or tracks.

4413 (2) The definitions provided in Subsection (1) are to be applied throughout this title in  
4414 addition to definitions that are applicable to specific chapters or parts.

4415 Section 116. Section **53-3-109** is amended to read:

4416 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

4417 (1) (a) Except as provided in this section, all records of the division shall be classified  
4418 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and  
4419 Management Act.

4420 (b) The division may disclose personal identifying information in accordance with 18  
4421 U.S.C. Chapter 123:

4422 (i) to a licensed private investigator holding a valid agency license, with a legitimate  
4423 business need;

4424 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,  
4425 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,  
4426 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,  
4427 antifraud activities, rating, or underwriting for any person issued a license certificate under this  
4428 chapter;

4429 (iii) to a depository institution as that term is defined in Section [7-1-103](#);

4430 (iv) to the State Tax Commission for the purposes of tax fraud detection and  
4431 prevention and any other use required by law;

4432 (v) subject to Subsection (7), to the University of Utah for data collection in relation to  
4433 genetic and epidemiologic research; or

4434 (vi) (A) to a government entity, including any court or law enforcement agency, to  
4435 fulfill the government entity's functions; or

4436 (B) to a private person acting on behalf of a government entity to fulfill the government  
4437 entity's functions, if the division determines disclosure of the information is in the interest of  
4438 public safety.

4439 (2) (a) A person who receives personal identifying information shall be advised by the  
4440 division that the person may not:

4441 (i) disclose the personal identifying information from that record to any other person;  
4442 or

4443 (ii) use the personal identifying information from that record for advertising or  
4444 solicitation purposes.

4445 (b) Any use of personal identifying information by an insurer or insurance support  
4446 organization, or by a self-insured entity or its agents, employees, or contractors not authorized  
4447 by Subsection (1)(b)(ii) is:

4448 (i) an unfair marketing practice under Section [31A-23a-402](#); or  
4449 (ii) an unfair claim settlement practice under Subsection [31A-26-303\(3\)](#).

4450 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee  
4451 may disclose portions of a driving record, in accordance with this Subsection (3), to:

4452 (i) an insurer as defined under Section [31A-1-301](#), or a designee of an insurer, for  
4453 purposes of assessing driving risk on the insurer's current motor vehicle insurance  
4454 policyholders;

4455 (ii) an employer or a designee of an employer, for purposes of monitoring the driving  
4456 record and status of current employees who drive as a responsibility of the employee's  
4457 employment if the requester demonstrates that the requester has obtained the written consent of  
4458 the individual to whom the information pertains; and

4459 (iii) an employer or the employer's agents to obtain or verify information relating to a  
4460 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.



- 4461 (b) A disclosure under Subsection (3)(a)(i) shall:
- 4462 (i) include the licensed driver's name, driver license number, date of birth, and an  
4463 indication of whether the driver has had a moving traffic violation that is a reportable violation,  
4464 as defined under Section 53-3-102 during the previous month;
- 4465 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered  
4466 under a motor vehicle insurance policy of the insurer; and
- 4467 (iii) be made under a contract with the insurer or a designee of an insurer.
- 4468 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:
- 4469 (i) include the licensed driver's name, driver license number, date of birth, and an  
4470 indication of whether the driver has had a moving traffic violation that is a reportable violation,  
4471 as defined under Section 53-3-102, during the previous month;
- 4472 (ii) be limited to the records of a current employee of an employer;
- 4473 (iii) be made under a contract with the employer or a designee of an employer; and
- 4474 (iv) include an indication of whether the driver has had a change reflected in the  
4475 driver's:
- 4476 (A) driving status;
- 4477 (B) license class;
- 4478 (C) medical self-certification status; or
- 4479 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.
- 4480 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:
- 4481 (i) the criteria for searching and compiling the driving records being requested;
- 4482 (ii) the frequency of the disclosures;
- 4483 (iii) the format of the disclosures, which may be in bulk electronic form; and
- 4484 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).
- 4485 (4) The division may charge fees:
- 4486 (a) in accordance with Section 53-3-105 for searching and compiling its files or  
4487 furnishing a report on the driving record of a person;
- 4488 (b) for each document prepared under the seal of the division and deliver upon request,  
4489 a certified copy of any record of the division, and charge a fee set in accordance with Section  
4490 63J-1-504 for each document authenticated; and
- 4491 (c) established in accordance with the procedures and requirements of Section

4492 63J-1-504 for disclosing personal identifying information under Subsection (1)(b).

4493 (5) Each certified copy of a driving record furnished in accordance with this section is  
4494 admissible in any court proceeding in the same manner as the original.

4495 (6) (a) A driving record furnished under this section may only report on the driving  
4496 record of a person for a period of 10 years.

4497 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of  
4498 commercial driver license violations, or reports for commercial driver license holders.

4499 (7) (a) The division shall include on each application for or renewal of a license or  
4500 identification card under this chapter:

4501 (i) the following notice: "The Driver License Division may disclose the information  
4502 provided on this form to an entity described in Utah Code Ann. Subsection  
4503 53-3-109(1)(b)(v).";

4504 (ii) a reference to the website described in Subsection (7)(b); and

4505 (iii) a link to the division website for:

4506 (A) information provided by the division, after consultation with the University of  
4507 Utah, containing the explanation and description described in Subsection (7)(b); and

4508 (B) an online form for the individual to opt out of the disclosure of personal identifying  
4509 information as described in Subsection (1)(b)(v).

4510 (b) On or before July 1, 2020, and in consultation with the division, the University of  
4511 Utah shall create a website that provides an explanation and description of:

4512 (i) what information may be disclosed by the division to the University of Utah under  
4513 Subsection (1)(b)(v);

4514 (ii) the methods and timing of anonymizing the information;

4515 (iii) for situations where the information is not anonymized:

4516 (A) how the information is used;

4517 (B) how the information is secured;

4518 (C) how long the information is retained; and

4519 (D) who has access to the information;

4520 (iv) research and statistical purposes for which the information is used; and

4521 (v) other relevant details regarding the information.

4522 (c) The website created by the University of Utah described in Subsection (7)(b) shall

4523 include the following:

4524 (i) a link to the division website for an online form for the individual to opt out of the  
4525 disclosure of personal identifying information as described in Subsection (1)(b)(v); and

4526 (ii) a link to an online form for the individual to affirmatively choose to remove,  
4527 subject to Subsection (7)(e)(ii), personal identifying information from the database controlled  
4528 by the University of Utah that was disclosed pursuant to Subsection (1)(b)(v).

4529 (d) In the course of business, the division shall provide information regarding the  
4530 disclosure of personal identifying information, including providing on the division website:

4531 (i) a link to the website created under Subsection (7)(b) to provide individuals with  
4532 information regarding the disclosure of personal identifying information under Subsection  
4533 (1)(b)(v); and

4534 (ii) a link to the division website for:

4535 (A) information provided by the division, after consultation with the University of  
4536 Utah, containing the explanation and description described in Subsection (7)(b); and

4537 (B) an online form for the individual to opt out of the disclosure of personal identifying  
4538 information as described in Subsection (1)(b)(v).

4539 (e) (i) The division may not disclose the personal identifying information under  
4540 Subsection (1)(b)(v) if an individual opts out of the disclosure as described in Subsection  
4541 (7)(a)(iii)(B) or (7)(c)(i).

4542 (ii) (A) Except as provided in Subsection (7)(e)(ii)(B), if an individual makes a request  
4543 as described in Subsection (7)(c)(ii), the University of Utah shall, within 90 days of receiving  
4544 the request, remove and destroy the individual's personal identifying information received  
4545 under Subsection (1)(b)(v) from a database controlled by the University of Utah.

4546 (B) The University of Utah is not required to remove an individual's personal  
4547 identifying information as described in Subsection (7)(e)(ii)(A) from data released to a research  
4548 study before the date of the request described in Subsection (7)(c)(ii).

4549 (f) (i) Subject to prioritization of the Audit Subcommittee created in Section [\[36-12-8\]](#)  
4550 [36-3a-301](#), the Office of the Legislative Auditor General shall conduct an audit and issue a  
4551 report on:

4552 (A) procedures and safeguards utilized by the University of Utah related to the security  
4553 of personal identifying information disclosed pursuant to Subsection (1)(b)(v); and

4554 (B) potential risks of disclosure or breaches in the security of personal identifying  
4555 information disclosed pursuant to Subsection (1)(b)(v).

4556 (ii) The Office of the Legislative Auditor General shall provide the report described in  
4557 Subsection (7)(f)(i) to the Transportation Interim Committee before October 31, 2021.

4558 (g) (i) The University of Utah shall report to the Transportation Interim Committee  
4559 before October 31, 2020, regarding the information described in Subsection (7)(b).

4560 (ii) The University of Utah shall conduct a biennial internal information security audit  
4561 of the information systems that store the data received pursuant to Subsection (1)(b)(v), and,  
4562 beginning in the year 2023, provide a biennial report of the findings of the internal audit to the  
4563 Transportation Interim Committee.

4564 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4565 division may make rules to designate:

4566 (a) what information shall be included in a report on the driving record of a person;

4567 (b) the form of a report or copy of the report which may include electronic format;

4568 (c) the form of a certified copy, as required under Section [53-3-216](#), which may include  
4569 electronic format;

4570 (d) the form of a signature required under this chapter which may include electronic  
4571 format;

4572 (e) the form of written request to the division required under this chapter which may  
4573 include electronic format;

4574 (f) the procedures, requirements, and formats for disclosing personal identifying  
4575 information under Subsection (1)(b); and

4576 (g) the procedures, requirements, and formats necessary for the implementation of  
4577 Subsection (3).

4578 (9) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
4579 use, disclose, or disseminate a record created or maintained by the division or any information  
4580 contained in a record created or maintained by the division for a purpose prohibited or not  
4581 permitted by statute, rule, regulation, or policy of a governmental entity.

4582 (b) A person who discovers or becomes aware of any unauthorized use of records  
4583 created or maintained by the division shall inform the commissioner and the division director  
4584 of the unauthorized use.

4585 Section 117. Section **53-9-121** is amended to read:

4586 **53-9-121. Limited-use license.**

4587 (1) As used in this section:

4588 (a) "Legislative body" means:

4589 (i) the Legislature;

4590 (ii) the Utah House of Representatives;

4591 (iii) the Utah Senate;

4592 (iv) a special investigative committee; or

4593 (v) a staff office of the Legislature.

4594 (b) "Special investigative committee" is as defined in Subsection [~~36-12-9~~]

4595 [36-3a-301](#)(1).

4596 (2) Notwithstanding any provision of this chapter, a person is qualified to receive a  
4597 limited-use license if the person:

4598 (a) is licensed, in good standing, by another state, district, or territory of the United  
4599 States to provide the services of a private investigator or private detective; and

4600 (b) is retained by a legislative body to provide the services of a private investigator or  
4601 private detective for:

4602 (i) a special investigative committee; or

4603 (ii) a purpose relating to impeachment.

4604 (3) A person holding a limited-use license may only provide the services described in  
4605 Subsection (2)(b).

4606 (4) The bureau shall issue a limited-use license to a person within five days after the  
4607 day on which the bureau receives notice from a legislative body that:

4608 (a) the person meets the qualifications described in Subsection (2)(a); and

4609 (b) the legislative body has retained the person to provide the services described in  
4610 Subsection (2)(b).

4611 (5) The bureau may not:

4612 (a) impose a qualification for the receipt of a limited-use license other than the  
4613 qualifications described in Subsection (2)(a); or

4614 (b) charge a fee to issue a limited-use license.

4615 (6) A limited-use license expires when the person to whom it is issued is no longer

4616 retained by a legislative body to provide a service described in Subsection (2)(b).

4617 Section 118. Section **53B-1-404** is amended to read:

4618 **53B-1-404. Membership of the board -- Student appointee -- Terms -- Oath --**  
4619 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation --**  
4620 **Training.**

4621 (1) The board consists of 18 residents of the state appointed by the governor with the  
4622 advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies,  
4623 as follows:

4624 (a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among  
4625 candidates presented to the governor by a nominating committee; and

4626 (b) two student members appointed as described in Subsection (4).

4627 (2) (a) For an appointment of a member effective July 1, 2020, the governor shall  
4628 appoint the member in accordance with Section **53B-1-501**.

4629 (b) Unless appointed by the governor as described in Section **53B-1-501**, the term of  
4630 each individual who is a member of the State Board of Regents on May 12, 2020, expires on  
4631 June 30, 2020.

4632 (3) If the governor is not satisfied with a sufficient number of the candidates presented  
4633 by the nominating committee to make the required number of appointments, the governor may  
4634 request that the committee nominate additional candidates.

4635 (4) (a) For the appointments described in Subsection (1)(b), the governor shall appoint:

4636 (i) one individual who is enrolled in a certificate program at a technical college at the  
4637 time of the appointment; and

4638 (ii) one individual who:

4639 (A) is a fully matriculated student enrolled in a degree-granting institution; and

4640 (B) is not serving as a student body president at the time of the nomination.

4641 (b) The governor shall select:

4642 (i) an appointee described in Subsection (4)(a)(i) from among three nominees,  
4643 presented to the governor by a committee consisting of eight students, one from each technical  
4644 college, each of whom is recognized by the student's technical college; and

4645 (ii) an appointee described in Subsection (4)(a)(ii) from among three nominees  
4646 presented to the governor by the student body presidents of degree-granting institutions.

4647 (c) An appointee described in Subsection (4)(a) is not subject to the public comment  
4648 process described in Section [63G-24-204](#).

4649 (5) (a) All appointments to the board shall be made on a nonpartisan basis.

4650 (b) An individual may not serve simultaneously on the board and an institution board  
4651 of trustees.

4652 (6) (a) (i) Except as provided in Subsection (6)(a)(ii) and Section [53B-1-501](#), members  
4653 shall be appointed to six-year staggered terms, each of which begins on July 1 of the year of  
4654 appointment.

4655 (ii) A member described in Subsection (1)(b) shall be appointed to a one-year term.

4656 (b) (i) A member described in Subsection (1)(a) may serve up to two consecutive full  
4657 terms.

4658 (ii) The governor may appoint a member described in Subsection (1)(a) to a second  
4659 consecutive full term without a recommendation from the nominating committee.

4660 (iii) A member described in Subsection (1)(b) may not serve more than one full term.

4661 (c) (i) The governor may remove a member for cause.

4662 (ii) The governor shall consult with the president of the Senate before removing a  
4663 member.

4664 (7) (a) A member shall take the official oath of office before entering upon the duties of  
4665 office.

4666 (b) The oath shall be filed with the Division of Archives and Records Services.

4667 (8) The board shall elect a chair and vice chair from among the board's members who  
4668 shall serve terms of two years and until their successors are chosen and qualified.

4669 (9) (a) The board shall appoint a secretary from the commissioner's staff to serve at the  
4670 board's discretion.

4671 (b) The secretary is a full-time employee.

4672 (c) The secretary shall record and maintain a record of all board meetings and perform  
4673 other duties as the board directs.

4674 (10) (a) The board may establish advisory committees in addition to the advisory  
4675 council described in Section [53B-1-407](#).

4676 (b) All matters requiring board determination shall be addressed in a properly  
4677 convened meeting of the board or the board's executive committee.

4678 (11) (a) The board shall enact bylaws for the board's own government not inconsistent  
4679 with the constitution or the laws of this state.

4680 (b) The board shall provide for an executive committee in the bylaws that:

4681 (i) has the full authority of the board to act upon routine matters during the interim  
4682 between board meetings;

4683 (ii) may not act on nonroutine matters except under extraordinary and emergency  
4684 circumstances; and

4685 (iii) shall report to the board at the board's next meeting following an action undertaken  
4686 by the executive committee.

4687 (12) (a) The board shall meet regularly upon the board's own determination.

4688 (b) The board may also meet, in full or executive session, at the request of the chair,  
4689 the commissioner, or at least five members of the board.

4690 (13) A quorum of the board is required to conduct the board's business and consists of  
4691 10 members.

4692 (14) (a) A vacancy in the board occurring before the expiration of a member's full term  
4693 shall be immediately filled through the nomination process described in Section [53B-1-406](#) and  
4694 in this section.

4695 (b) An individual appointed under Subsection (14)(a) serves for the remainder of the  
4696 unexpired term.

4697 (15) (a) (i) Subject to Subsection (15)(a)(ii), a member shall receive a daily salary for  
4698 each calendar day that the member attends a board meeting that is the same as the daily salary  
4699 for a member of the Legislature described in Section ~~[36-2-3]~~ [36-2a-304](#).

4700 (ii) A member may receive a salary for up to 10 calendar days per calendar year.

4701 (b) A member may receive per diem and travel expenses in accordance with:

4702 (i) Section [63A-3-106](#);

4703 (ii) Section [63A-3-107](#); and

4704 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
4705 [63A-3-107](#).

4706 (16) The commissioner shall provide to each member:

4707 (a) initial training when the member joins the board; and

4708 (b) ongoing annual training.



4709 (17) A board member shall comply with the conflict of interest provisions described in  
4710 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

4711 Section 119. Section **53B-7-708** is amended to read:

4712 **53B-7-708. Legislative audit.**

4713 (1) Subject to prioritization of the Audit Subcommittee, the Office of the Legislative  
4714 Auditor General established under Section [~~36-12-15~~] [36-4a-301](#) shall in any fiscal year:

4715 (a) conduct an audit of money appropriated for performance funding; and

4716 (b) prepare and submit a written report for an audit described in this section in

4717 accordance with Subsection [~~36-12-15~~] [36-4a-301](#)(4)(b)(ii).

4718 (2) An audit described in this section shall include:

4719 (a) an evaluation of the implementation of performance funding; and

4720 (b) the use of performance funding.

4721 Section 120. Section **53E-3-202** is amended to read:

4722 **53E-3-202. Compensation for members of the state board -- Insurance -- Per**  
4723 **diem and expenses.**

4724 (1) The salary for a member of the state board is set in accordance with Section  
4725 [~~36-2-3~~] [36-2a-304](#).

4726 (2) Compensation for a member of the state board is payable monthly.

4727 (3) A state board member may participate in any group insurance plan provided to  
4728 employees of the state board as part of the state board member's compensation on the same  
4729 basis as required for employee participation.

4730 (4) In addition to the provisions of Subsections (1) and (3), a state board member may  
4731 receive per diem and travel expenses in accordance with:

4732 (a) Section [63A-3-106](#);

4733 (b) Section [63A-3-107](#); and

4734 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

4735 [63A-3-107](#).

4736 Section 121. Section **53F-5-601** is amended to read:

4737 **53F-5-601. Definitions.**

4738 As used in this part:

4739 (1) "American Indian and Alaskan Native concentrated school" means a school where

4740 at least 29% of the school's students are American Indian or Alaskan Native.

4741 (2) "Native American Legislative Liaison Committee" means the committee created in  
4742 Section [~~36-22-1~~] [36-6a-501](#).

4743 (3) "State plan" means the state plan adopted under Laws of Utah 2015, Chapter 53,  
4744 Section 7.

4745 (4) "Teacher" means an individual employed by a school district or charter school who  
4746 is required to hold an educator license issued by the state board and who has an assignment to  
4747 teach in a classroom.

4748 Section 122. Section **53F-5-604** is amended to read:

4749 **53F-5-604. Liaison -- Reporting -- Meeting.**

4750 (1) Subject to budget constraints, the superintendent of public instruction appointed  
4751 under Section [53E-3-301](#) shall appoint an individual as the American Indian-Alaskan Native  
4752 Public Education Liaison.

4753 (2) The liaison shall:

4754 (a) work under the direction of the superintendent in the development and  
4755 implementation of the state plan; and

4756 (b) annually report to the Native American Legislative Liaison Committee created  
4757 under Section [~~36-22-1~~] [36-6a-501](#) regarding:

4758 (i) what entities receive a grant under this part;

4759 (ii) the effectiveness of the expenditures of grant money; and

4760 (iii) recommendations, if any, for additional legislative action.

4761 (3) The Native American Legislative Liaison Committee shall annually schedule at  
4762 least one meeting at which education is discussed with selected stakeholders.

4763 Section 123. Section **58-60-405** is amended to read:

4764 **58-60-405. Qualifications for licensure.**

4765 (1) An applicant for licensure as a clinical mental health counselor shall:

4766 (a) submit an application on a form provided by the division;

4767 (b) pay a fee determined by the department under Section [63J-1-504](#);

4768 (c) produce certified transcripts evidencing completion of:

4769 (i) a master's or doctorate degree conferred to the applicant in:

4770 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor

- 4771 education and supervision from a program accredited by the Council for Accreditation of  
4772 Counseling and Related Educational Programs; or
- 4773 (B) clinical mental health counseling or an equivalent field from a program affiliated  
4774 with an institution that has accreditation that is recognized by the Council for Higher Education  
4775 Accreditation; and
- 4776 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to  
4777 an educational program described in Subsection (1)(d)(i);
- 4778 (d) have completed a minimum of 4,000 hours of clinical mental health counselor  
4779 training as defined by division rule under Section 58-1-203:
- 4780 (i) in not less than two years;
- 4781 (ii) under the supervision of a clinical mental health counselor, psychiatrist,  
4782 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or  
4783 marriage and family therapist supervisor approved by the division in collaboration with the  
4784 board;
- 4785 (iii) obtained after completion of the education requirement in Subsection (1)(c); and
- 4786 (iv) including a minimum of two hours of training in suicide prevention via a course  
4787 that the division designates as approved;
- 4788 (e) document successful completion of not less than 1,000 hours of supervised training  
4789 in mental health therapy obtained after completion of the education requirement in Subsection  
4790 (1)(c), which training may be included as part of the 4,000 hours of training in Subsection  
4791 (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were  
4792 obtained under the direct supervision of a mental health therapist, as defined by rule; and
- 4793 (f) pass the examination requirement established by division rule under Section  
4794 58-1-203.
- 4795 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall  
4796 comply with the provisions of Subsections (1)(a), (b), and (c).
- 4797 (b) Except as provided under Subsection (2)(c), an individual's licensure as an  
4798 associate clinical mental health counselor is limited to the period of time necessary to complete  
4799 clinical training as described in Subsections (1)(d) and (e) and extends not more than one year  
4800 from the date the minimum requirement for training is completed.
- 4801 (c) The time period under Subsection (2)(b) may be extended to a maximum of two

4802 years past the date the minimum supervised clinical training requirement has been completed,  
4803 if the applicant presents satisfactory evidence to the division and the appropriate board that the  
4804 individual is:

4805 (i) making reasonable progress toward passing of the qualifying examination for that  
4806 profession; or

4807 (ii) otherwise on a course reasonably expected to lead to licensure.

4808 (3) (a) Notwithstanding Subsection (1)(c), an applicant satisfies the education  
4809 requirement described in Subsection (1)(c) if the applicant submits documentation verifying:

4810 (i) satisfactory completion of a doctoral or master's degree from an educational  
4811 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling  
4812 and Related Educational Programs;

4813 (ii) satisfactory completion of at least 60 semester credit hours or 90 quarter credit  
4814 hours of coursework related to an educational program described in Subsection (1)(c)(i); and

4815 (iii) that the applicant received a passing score that is valid and in good standing on:

4816 (A) the National Counselor Examination; and

4817 (B) the National Clinical Mental Health Counseling Examination.

4818 (b) During the 2021 interim, the division shall report to the Occupational and  
4819 Professional Licensure Review Committee created in Section [~~36-23-102~~] [36-6a-402](#) on:

4820 (i) the number of applicants who applied for licensure under this Subsection (3);

4821 (ii) the number of applicants who were approved for licensure under this Subsection  
4822 (3);

4823 (iii) any changes to division rule after May 12, 2020, regarding the qualifications for  
4824 licensure under this section; and

4825 (iv) recommendations for legislation or other action that the division considers  
4826 necessary to carry out the provisions of this Subsection (3).

4827 Section 124. Section **59-1-403.1** is amended to read:

4828 **59-1-403.1. Disclosure of return information.**

4829 (1) As used in this section:

4830 (a) "Office" means:

4831 (i) the Office of the Legislative Fiscal Analyst, established in Section [~~36-12-13~~]  
4832 [36-4a-201](#);

4833 (ii) the Office of Legislative Research and General Counsel, established in Section  
4834 [~~36-12-12~~] [36-4a-101](#); or

4835 (iii) the Governor's Office of Planning and Budget, created in Section [63J-4-201](#).

4836 (b) (i) "Return information" means information gained by the commission that is  
4837 required to be attached to or included in a return filed with the commission.

4838 (ii) "Return information" does not include information that the commission is  
4839 prohibited from disclosing by federal law, federal regulation, or federal publication.

4840 (2) (a) Notwithstanding Subsection [59-1-403](#)(2), the commission, at the request of an  
4841 office, shall provide to the office all return information with the items described in Subsection  
4842 (2)(b) removed.

4843 (b) For purposes of a request for return information made under Subsection (2)(a), the  
4844 commission shall redact or remove any name, address, social security number, or taxpayer  
4845 identification number.

4846 (3) (a) An office may disclose return information received from the commission in  
4847 accordance with this section only:

4848 (i) (A) as a fiscal estimate, fiscal note information, or statistical information; and

4849 (B) in a manner that reasonably protects the identification of a particular taxpayer; or

4850 (ii) to another office.

4851 (b) A person may not request return information, other than the return information that  
4852 the office discloses in accordance with Subsection (3)(a), from an office under Title 63G,  
4853 Chapter 2, Government Records Access and Management Act, or this section, if that office  
4854 received the return information from the commission in accordance with this section.

4855 (c) An office may not disclose to a person that requests return information any return  
4856 information other than the return information that the office discloses in accordance with  
4857 Subsection (3)(a).

4858 (4) Any individual who violates Subsection (3)(a):

4859 (a) is guilty of a class A misdemeanor; and

4860 (b) shall be:

4861 (i) dismissed from office; and

4862 (ii) disqualified from holding public office in this state for a period of five years after  
4863 dismissal.

4864 (5) (a) An office and the commission may enter into an agreement specifying the  
4865 procedures for accessing, storing, and destroying return information requested in accordance  
4866 with this section.

4867 (b) An office's access to return information is governed by this section, and except as  
4868 provided in Subsection (5)(a), may not be limited by any agreement.

4869 Section 125. Section **62A-4a-207** is amended to read:

4870 **62A-4a-207. Legislative Oversight Panel -- Responsibilities.**

4871 (1) (a) There is created the Child Welfare Legislative Oversight Panel composed of the  
4872 following members:

4873 (i) two members of the Senate, one from the majority party and one from the minority  
4874 party, appointed by the president of the Senate; and

4875 (ii) three members of the House of Representatives, two from the majority party and  
4876 one from the minority party, appointed by the speaker of the House of Representatives.

4877 (b) Members of the panel shall serve for two-year terms, or until their successors are  
4878 appointed.

4879 (c) A vacancy exists whenever a member ceases to be a member of the Legislature, or  
4880 when a member resigns from the panel. Vacancies shall be filled by the appointing authority,  
4881 and the replacement shall fill the unexpired term.

4882 (2) The president of the Senate shall designate one of the senators appointed to the  
4883 panel under Subsection (1) as the Senate chair of the panel. The speaker of the House of  
4884 Representatives shall designate one of the representatives appointed to the panel under  
4885 Subsection (1) as the House chair of the panel.

4886 (3) The panel shall follow the interim committee rules established by the Legislature.

4887 (4) The panel shall:

4888 (a) examine and observe the process and execution of laws governing the child welfare  
4889 system by the executive branch and the judicial branch;

4890 (b) upon request, receive testimony from the public, the juvenile court, and from all  
4891 state agencies involved with the child welfare system, including the division, other offices and  
4892 agencies within the department, the attorney general's office, the Office of Guardian Ad Litem,  
4893 and school districts;

4894 (c) before October 1 of each year, receive a report from the judicial branch identifying

4895 the cases not in compliance with the time limits established in the following sections, and the  
4896 reasons for noncompliance:

- 4897 (i) Subsection 80-3-301(1), regarding shelter hearings;
- 4898 (ii) Section 80-3-401, regarding pretrial and adjudication hearings;
- 4899 (iii) Section 80-3-406, regarding dispositional hearings and reunification services; and
- 4900 (iv) Section 80-3-409, regarding permanency hearings and petitions for termination;
- 4901 (d) receive recommendations from, and make recommendations to the governor, the  
4902 Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile  
4903 court, and the public;
- 4904 (e) (i) receive reports from the executive branch and the judicial branch on budgetary  
4905 issues impacting the child welfare system; and
- 4906 (ii) recommend, as the panel considers advisable, budgetary proposals to the Social  
4907 Services Appropriations Subcommittee and the Executive Offices and Criminal Justice  
4908 Appropriations Subcommittee, which recommendation should be made before December 1 of  
4909 each year;
- 4910 (f) study and recommend proposed changes to laws governing the child welfare  
4911 system;
- 4912 (g) study actions the state can take to preserve, unify, and strengthen the child's family  
4913 ties whenever possible in the child's best interest, including recognizing the constitutional  
4914 rights and claims of parents whenever those family ties are severed or infringed;
- 4915 (h) perform such other duties related to the oversight of the child welfare system as the  
4916 panel considers appropriate; and
- 4917 (i) annually report the panel's findings and recommendations to the president of the  
4918 Senate, the speaker of the House of Representatives, the Health and Human Services Interim  
4919 Committee, and the Judiciary Interim Committee.
- 4920 (5) (a) The panel has authority to review and discuss individual cases.
- 4921 (b) When an individual case is discussed, the panel's meeting may be closed pursuant  
4922 to Title 52, Chapter 4, Open and Public Meetings Act.
- 4923 (c) When discussing an individual case, the panel shall make reasonable efforts to  
4924 identify and consider the concerns of all parties to the case.
- 4925 (6) (a) The panel has authority to make recommendations to the Legislature, the

4926 governor, the Board of Juvenile Court Judges, the division, and any other statutorily created  
4927 entity related to the policies and procedures of the child welfare system. The panel does not  
4928 have authority to make recommendations to the court, the division, or any other public or  
4929 private entity regarding the disposition of any individual case.

4930 (b) The panel may hold public hearings, as it considers advisable, in various locations  
4931 within the state in order to afford all interested persons an opportunity to appear and present  
4932 their views regarding the child welfare system in this state.

4933 (7) (a) All records of the panel regarding individual cases shall be classified private,  
4934 and may be disclosed only in accordance with federal law and the provisions of Title 63G,  
4935 Chapter 2, Government Records Access and Management Act.

4936 (b) The panel shall have access to all of the division's records, including those  
4937 regarding individual cases. In accordance with Title 63G, Chapter 2, Government Records  
4938 Access and Management Act, all documents and information received by the panel shall  
4939 maintain the same classification that was designated by the division.

4940 (8) In order to accomplish its oversight functions, the panel has:

4941 (a) all powers granted to legislative interim committees in Section [~~36-12-11~~]  
4942 [36-3a-501](#); and

4943 (b) legislative subpoena powers under Title 36, Chapter [~~14, Legislative Subpoena~~  
4944 ~~Powers~~] [5a, Legislative Subpoenas](#).

4945 (9) Compensation and expenses of a member of the panel who is a legislator are  
4946 governed by Section [~~36-2-2~~] [36-2a-204](#) and Legislative Joint Rules, Title 5, Legislative  
4947 Compensation and Expenses.

4948 (10) (a) The Office of Legislative Research and General Counsel shall provide staff  
4949 support to the panel.

4950 (b) The panel is authorized to employ additional professional assistance and other staff  
4951 members as it considers necessary and appropriate.

4952 Section 126. Section **63A-5b-1107** is amended to read:

4953 **63A-5b-1107. Development of new correctional facilities.**

4954 (1) As used in this section:

4955 (a) "Committee" means the Legislative Management Committee created in Section  
4956 [~~36-12-6~~] [36-3a-201](#).



4957 (b) "New correctional facilities" means a new prison and related facilities to be  
4958 constructed to replace the state prison located in Draper.

4959 (c) "Prison project" means all aspects of a project for the design and construction of  
4960 new correctional facilities on the selected site, including:

4961 (i) the acquisition of land, interests in land, easements, or rights-of-way;

4962 (ii) site improvement; and

4963 (iii) the acquisition, construction, equipping, or furnishing of facilities, structures,  
4964 infrastructure, roads, parking facilities, utilities, and improvements, whether on or off the  
4965 selected site, that are necessary, incidental, or convenient to the development of new  
4966 correctional facilities on the selected site.

4967 (d) "Selected site" means the site selected as the site for new correctional facilities.

4968 (2) In consultation with the committee, the division shall oversee the prison project, as  
4969 provided in this section.

4970 (3) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and this  
4971 section, the division shall:

4972 (i) enter into contracts with persons providing professional and construction services  
4973 for the prison project;

4974 (ii) provide reports to the committee regarding the prison project, as requested by the  
4975 committee; and

4976 (iii) consider input from the committee on the prison project, subject to Subsection

4977 (3)(b).

4978 (b) The division may not consult with or receive input from the committee regarding:

4979 (i) the evaluation of proposals from persons seeking to provide professional and  
4980 construction services for the prison project; or

4981 (ii) the selection of persons to provide professional and construction services for the  
4982 prison project.

4983 (c) A contract with a project manager or person with a comparable position on the  
4984 prison project shall include a provision that requires the project manager or other person to  
4985 provide reports to the committee regarding the prison project, as requested by the committee.

4986 (4) All contracts associated with the design or construction of new correctional  
4987 facilities shall be awarded and managed by the division in accordance with Title 63G, Chapter

4988 6a, Utah Procurement Code, and this section.

4989 (5) The division shall coordinate with the Department of Corrections, created in  
4990 Section [64-13-2](#), and the State Commission on Criminal and Juvenile Justice, created in  
4991 Section [63M-7-201](#), during the prison project to help ensure that the design and construction of  
4992 new correctional facilities are conducive to and consistent with, and help to implement any  
4993 reforms of or changes to, the state's corrections system and corrections programs.

4994 (6) (a) There is created within the General Fund a restricted account known as the  
4995 "Prison Development Restricted Account."

4996 (b) The account created in Subsection (6)(a) is funded by legislative appropriations.

4997 (c) (i) The account shall earn interest or other earnings.

4998 (ii) The Division of Finance shall deposit interest or other earnings derived from the  
4999 investment of account funds into the account.

5000 (d) Upon appropriation from the Legislature, money from the account shall be used to  
5001 fund the Prison Project Fund created in Subsection (7).

5002 (7) (a) There is created a capital projects fund known as the "Prison Project Fund."

5003 (b) The fund consists of:

5004 (i) money appropriated to the fund by the Legislature; and

5005 (ii) proceeds from the issuance of bonds authorized in Section [63B-25-101](#) to provide  
5006 funding for the prison project.

5007 (c) (i) The fund shall earn interest or other earnings.

5008 (ii) The Division of Finance shall deposit interest or other earnings derived from the  
5009 investment of fund money into the fund.

5010 (d) Money in the fund shall be used by the division to fund the prison project.

5011 Section 127. Section [63A-14-202](#) is amended to read:

5012 **63A-14-202. Independent Executive Branch Ethics Commission -- Membership.**

5013 (1) (a) There is created the Independent Executive Branch Ethics Commission,  
5014 consisting of the following five members appointed by the governor, each of whom shall be  
5015 registered to vote in the state at the time of appointment:

5016 (i) two members who served:

5017 (A) as elected officials in state government no more recently than four years before the  
5018 day on which the member is appointed; or

- 5019 (B) in a management position in the state executive branch no more recently than four  
5020 years before the day on which the member is appointed;
- 5021 (ii) one member who:
- 5022 (A) has served, but no longer actively serves, as a judge of a court in the state; or  
5023 (B) is a licensed attorney in the state and is not, and has not been, a judge; and  
5024 (iii) two citizen members.
- 5025 (b) The governor shall make appointments to the commission as follows:
- 5026 (i) each executive branch elected official, other than the governor, shall select, and  
5027 provide to the governor, at least two names for potential appointment to one of the membership  
5028 positions described in Subsection (1)(a);
- 5029 (ii) the governor shall determine which of the executive branch elected officials  
5030 described in Subsection (1)(b)(i) shall select names for which membership position;
- 5031 (iii) the governor shall appoint to the commission one of the names provided by each  
5032 executive branch elected official described in Subsection (1)(b)(i);
- 5033 (iv) the governor shall directly appoint the remaining member of the commission; and  
5034 (v) if an executive branch elected official fails to submit names to the governor within  
5035 15 days after the day on which the governor makes the determination described in Subsection  
5036 (1)(b)(ii), the governor shall directly appoint a person to fill the applicable membership  
5037 position.
- 5038 (2) A member of the commission may not, during the member's term of office on the  
5039 commission, act or serve as:
- 5040 (a) an officeholder as defined in Section [20A-11-101](#);
- 5041 (b) an agency head as defined in Section [67-16-3](#);
- 5042 (c) a lobbyist as defined in [~~Section [36-11-102](#) or [36-11a-102](#)~~] Sections [11-65-101](#) and  
5043 [67-1c-101](#);
- 5044 (d) a principal as defined in [~~Section [36-11-102](#) or [36-11a-102](#)~~] Sections [11-65-101](#)  
5045 and [67-1c-101](#); or
- 5046 (e) an employee of the state.
- 5047 (3) (a) Except as provided in Subsection (3)(b), each member of the commission shall  
5048 serve a four-year term.
- 5049 (b) The governor shall set the first term of two of the members of the commission at

5050 two years, so that approximately half of the commission is appointed, or reappointed, every  
5051 two years.

5052 (c) When a vacancy occurs in the commission's membership for any reason, the  
5053 governor shall appoint a replacement member for the unexpired term of the vacating member,  
5054 in accordance with Subsection (1).

5055 (d) The governor may not appoint a member to serve more than two full terms, whether  
5056 those terms are two or four years.

5057 (e) (i) The governor, or a majority of the commission, may remove a member from the  
5058 commission only for cause.

5059 (ii) The governor may not remove a member from the commission during any period of  
5060 time when the commission is investigating or considering a complaint alleging an ethics  
5061 violation against the governor or lieutenant governor.

5062 (f) If a commission member determines that the commission member has a conflict of  
5063 interest in relation to a complaint, the remaining members of the commission shall appoint an  
5064 individual to serve in that member's place for the purpose of reviewing that complaint.

5065 (4) (a) A member of the commission may not receive compensation or benefits for the  
5066 member's service, but may receive per diem and expenses incurred in the performance of the  
5067 member's official duties at the rates established by the Division of Finance under Sections  
5068 [63A-3-106](#) and [63A-3-107](#).

5069 (b) A member may decline to receive per diem and expenses for the member's service.

5070 (5) (a) The commission members shall convene a meeting annually each January and  
5071 elect, by majority vote, a chair from among the commission members.

5072 (b) An individual may not serve as chair for more than two consecutive years.

5073 (6) The commission:

5074 (a) is an independent entity established within the department for budgetary and  
5075 general administrative purposes only; and

5076 (b) is not under the direction or control of the department, the executive director, or  
5077 any other officer or employee of the department.

5078 Section 128. Section **63A-15-201** is amended to read:

5079 **63A-15-201. Commission established -- Membership.**

5080 (1) There is established a Political Subdivisions Ethics Review Commission.

5081 (2) The commission is composed of seven individuals, each of whom is registered to  
5082 vote in this state and appointed by the governor with the advice and consent of the Senate, as  
5083 follows:

5084 (a) one member who has served, but no longer serves, as a judge of a court of record in  
5085 this state;

5086 (b) one member who has served as a mayor or municipal council member no more  
5087 recently than four years before the date of appointment;

5088 (c) one member who has served as a member of a local board of education no more  
5089 recently than four years before the date of appointment;

5090 (d) two members who are lay persons; and

5091 (e) two members, each of whom is one of the following:

5092 (i) a municipal mayor no more recently than four years before the date of appointment;

5093 (ii) a municipal council member no more recently than four years before the date of  
5094 appointment;

5095 (iii) a county mayor no more recently than four years before the date of appointment;

5096 (iv) a county commissioner no more recently than four years before the date of  
5097 appointment;

5098 (v) a special service district administrative control board member no more recently  
5099 than four years before the date of appointment;

5100 (vi) a local district board of trustees member no more recently than four years before  
5101 the date of appointment; or

5102 (vii) a judge who has served, but no longer serves, as a judge of a court of record in  
5103 this state.

5104 (3) (a) A member of the commission may not, during the member's term of office on  
5105 the commission, act or serve as:

5106 (i) a political subdivision officer;

5107 (ii) a political subdivision employee;

5108 (iii) an agency head as defined in Section [67-16-3](#);

5109 (iv) a lobbyist as defined in [~~Section [36-11-102](#) or [36-11a-102](#)~~] [Sections 11-65-101 and](#)  
5110 [67-1c-101](#); or

5111 (v) a principal as defined in [~~Section [36-11-102](#) or [36-11a-102](#)~~] [Sections 11-65-101](#)

5112 and 67-1c-101.

5113 (b) In addition to the seven members described in Subsection (2), the governor shall,  
5114 with the advice and consent of the Senate, appoint one individual as an alternate member of the  
5115 commission who:

5116 (i) may be a lay person;

5117 (ii) shall be registered to vote in the state; and

5118 (iii) complies with the requirements described in Subsection (3)(a).

5119 (c) The alternate member described in Subsection (3)(b):

5120 (i) shall serve as a member of the commission in the place of one of the seven members  
5121 described in Subsection (2) if that member is temporarily unable or unavailable to participate in  
5122 a commission function or is disqualified under Section 63A-15-303; and

5123 (ii) may not cast a vote on the commission unless the alternate member is serving in  
5124 the capacity described in Subsection (3)(c)(i).

5125 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
5126 shall serve a four-year term.

5127 (ii) When appointing the initial members upon formation of the commission, a member  
5128 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that  
5129 approximately half of the commission is appointed every two years.

5130 (b) (i) When a vacancy occurs in the commission's membership for any reason, a  
5131 replacement member shall be appointed for the unexpired term of the vacating member using  
5132 the procedures and requirements of Subsection (2).

5133 (ii) For the purposes of this section, an appointment for an unexpired term of a  
5134 vacating member is not considered a full term.

5135 (c) A member may not be appointed to serve for more than two full terms, whether  
5136 those terms are two or four years.

5137 (d) A member of the commission may resign from the commission by giving one  
5138 month's written notice of the resignation to the governor.

5139 (e) The governor shall remove a member from the commission if the member:

5140 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

5141 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
5142 turpitude; or

5143 (iii) fails to meet the qualifications of office as provided in this section.

5144 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a  
5145 commission member has a conflict of interest in relation to a matter before the commission:

5146 (A) the alternate member described in Subsection (3)(b) shall serve in the member's  
5147 place for the purposes of reviewing the complaint; or

5148 (B) if the alternate member has already taken the place of another commission member  
5149 or is otherwise not available, the commission shall appoint another individual to temporarily  
5150 serve in the member's place for the purposes of reviewing the complaint.

5151 (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):

5152 (A) is not required to be confirmed by the Senate;

5153 (B) may be a lay person;

5154 (C) shall be registered to vote in the state; and

5155 (D) shall comply with Subsection (3)(a).

5156 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may  
5157 not receive compensation or benefits for the member's service.

5158 (b) (i) A member may receive per diem and expenses incurred in the performance of  
5159 the member's official duties at the rates established by the Division of Finance under Sections  
5160 [63A-3-106](#) and [63A-3-107](#).

5161 (ii) A member may decline to receive per diem and expenses for the member's service.

5162 (6) The commission members shall, by a majority vote, elect a commission chair from  
5163 among the commission members.

5164 Section 129. Section **63A-17-301** is amended to read:

5165 **63A-17-301. Career service -- Exempt positions -- Schedules for civil service**  
5166 **positions -- Coverage of career service provisions.**

5167 (1) Except as otherwise provided by law or by rules and regulations established for  
5168 federally aided programs, the following positions are exempt from the career service provisions  
5169 of this chapter and are designated under the following schedules:

5170 (a) schedule AA includes the governor, members of the Legislature, and all other  
5171 elected state officers;

5172 (b) schedule AB includes appointed executives and board or commission executives  
5173 enumerated in Section [67-22-2](#);

- 5174 (c) schedule AC includes all employees and officers in:
- 5175 (i) the office and at the residence of the governor;
- 5176 (ii) the Public Lands Policy Coordinating Office;
- 5177 (iii) the Office of the State Auditor; and
- 5178 (iv) the Office of the State Treasurer;
- 5179 (d) schedule AD includes employees who:
- 5180 (i) are in a confidential relationship to an agency head or commissioner; and
- 5181 (ii) report directly to, and are supervised by, a department head, commissioner, or
- 5182 deputy director of an agency or its equivalent;
- 5183 (e) schedule AE includes each employee of the State Board of Education that the State
- 5184 Board of Education designates as exempt from the career service provisions of this chapter;
- 5185 (f) schedule AG includes employees in the Office of the Attorney General who are
- 5186 under their own career service pay plan under Sections [67-5-7](#) through [67-5-13](#);
- 5187 (g) schedule AH includes:
- 5188 (i) teaching staff of all state institutions; and
- 5189 (ii) employees of the Utah Schools for the Deaf and the Blind who are:
- 5190 (A) educational interpreters as classified by the division; or
- 5191 (B) educators as defined by Section [53E-8-102](#);
- 5192 (h) schedule AN includes employees of the Legislature;
- 5193 (i) schedule AO includes employees of the judiciary;
- 5194 (j) schedule AP includes all judges in the judiciary;
- 5195 (k) schedule AQ includes:
- 5196 (i) members of state and local boards and councils appointed by the governor and
- 5197 governing bodies of agencies;
- 5198 (ii) a water commissioner appointed under Section [73-5-1](#);
- 5199 (iii) other local officials serving in an ex officio capacity; and
- 5200 (iv) officers, faculty, and other employees of state universities and other state
- 5201 institutions of higher education;
- 5202 (l) schedule AR includes employees in positions that involve responsibility:
- 5203 (i) for determining policy;
- 5204 (ii) for determining the way in which a policy is carried out; or



5205 (iii) of a type not appropriate for career service, as determined by the agency head with  
5206 the concurrence of the director;

5207 (m) schedule AS includes any other employee:

5208 (i) whose appointment is required by statute to be career service exempt;

5209 (ii) whose agency is not subject to this chapter; or

5210 (iii) whose agency has authority to make rules regarding the performance,  
5211 compensation, and bonuses for its employees;

5212 (n) schedule AT includes employees of the Division of Technology Services,  
5213 designated as executive/professional positions by the director of the Division of Technology  
5214 Services with the concurrence of the director of the division;

5215 (o) schedule AU includes patients and inmates employed in state institutions;

5216 (p) employees of the Department of Workforce Services, designated as schedule AW:

5217 (i) who are temporary employees that are federally funded and are required to work  
5218 under federally qualified merit principles as certified by the director; or

5219 (ii) for whom substantially all of their work is repetitive, measurable, or transaction  
5220 based, and who voluntarily apply for and are accepted by the Department of Workforce  
5221 Services to work in a pay for performance program designed by the Department of Workforce  
5222 Services with the concurrence of the director of the division; and

5223 (q) for employees in positions that are temporary, seasonal, time limited, funding  
5224 limited, or variable hour in nature, under schedule codes and parameters established by the  
5225 division by administrative rule.

5226 (2) The civil service shall consist of two schedules as follows:

5227 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

5228 (ii) Removal from any appointive position under schedule A, unless otherwise  
5229 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

5230 (b) Schedule B is the competitive career service schedule, consisting of:

5231 (i) all positions filled through competitive selection procedures as defined by the  
5232 director; or

5233 (ii) positions filled through a division approved on-the-job examination intended to  
5234 appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter  
5235 10, Veterans Preference.

5236 (3) (a) The director, after consultation with the heads of concerned executive branch  
5237 departments and agencies and with the approval of the governor, shall allocate positions to the  
5238 appropriate schedules under this section.

5239 (b) Agency heads shall make requests and obtain approval from the director before  
5240 changing the schedule assignment and tenure rights of any position.

5241 (c) Unless the director's decision is reversed by the governor, when the director denies  
5242 an agency's request, the director's decision is final.

5243 (4) (a) Compensation for employees of the Legislature shall be established by the  
5244 directors of the legislative offices in accordance with Section ~~[36-12-7]~~ 36-3a-202.

5245 (b) Compensation for employees of the judiciary shall be established by the state court  
5246 administrator in accordance with Section 78A-2-107.

5247 (c) Compensation for officers, faculty, and other employees of state universities and  
5248 institutions of higher education shall be established as provided in Title 53B, Chapter 1,  
5249 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of  
5250 Higher Education.

5251 (d) Unless otherwise provided by law, compensation for all other schedule A  
5252 employees shall be established by their appointing authorities, within ranges approved by, and  
5253 after consultation with the director.

5254 (5) An employee who is in a position designated schedule AC and who holds career  
5255 service status on June 30, 2010, shall retain the career service status if the employee:

5256 (a) remains in the position that the employee is in on June 30, 2010; and

5257 (b) does not elect to convert to career service exempt status in accordance with a rule  
5258 made by the division.

5259 Section 130. Section **63B-25-101** is amended to read:

5260 **63B-25-101. General obligation bonds for prison project -- Maximum amount --**  
5261 **Use of proceeds.**

5262 (1) As used in this section:

5263 (a) "Prison project" means the same as that term is defined in Section 63A-5b-1107.

5264 (b) "Prison project fund" means the capital projects fund created in Subsection  
5265 63A-5b-1107(7).

5266 (2) The commission may issue general obligation bonds as provided in this section.

5267 (3) (a) The total amount of bonds to be issued under this section may not exceed  
5268 \$570,000,000 for acquisition and construction proceeds, plus additional amounts necessary to  
5269 pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve  
5270 requirements, with the total amount of the bonds not to exceed \$575,700,000.

5271 (b) The maturity of bonds issued under this section may not exceed 10 years.

5272 (4) The commission shall ensure that proceeds from the issuance of bonds under this  
5273 section are deposited into the Prison Project Fund for use by the division to pay all or part of  
5274 the cost of the prison project, including:

5275 (a) interest estimated to accrue on the bonds authorized in this section until the  
5276 completion of construction of the prison project, plus a period of 12 months after the end of  
5277 construction; and

5278 (b) all related engineering, architectural, and legal fees.

5279 (5) (a) The division may enter into agreements related to the prison project before the  
5280 receipt of proceeds of bonds issued under this section.

5281 (b) The division shall make those expenditures from unexpended and unencumbered  
5282 building funds already appropriated to the Prison Project Fund.

5283 (c) The division shall reimburse the Prison Project Fund upon receipt of the proceeds  
5284 of bonds issued under this chapter.

5285 (d) The state intends to use proceeds of tax-exempt bonds to reimburse itself for  
5286 expenditures for costs of the prison project.

5287 (6) Before issuing bonds authorized under this section, the commission shall request  
5288 and consider a recommendation from the Legislative Management Committee, created in  
5289 Section [~~36-12-6~~] [36-3a-201](#), regarding the timing and amount of the issuance.

5290 Section 131. Section **63C-9-301** is amended to read:

5291 **63C-9-301. Board powers -- Subcommittees.**

5292 (1) The board shall:

5293 (a) except as provided in Subsection (2), exercise complete jurisdiction and  
5294 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

5295 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
5296 capitol hill grounds, and their contents;

5297 (c) before October 1 of each year, review and approve the executive director's annual

- 5298 budget request for submittal to the governor and Legislature;
- 5299 (d) by October 1 of each year, prepare and submit a recommended budget request for
- 5300 the upcoming fiscal year for the capitol hill complex to:
- 5301 (i) the governor, through the Governor's Office of Planning and Budget; and
- 5302 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
- 5303 through the Office of the Legislative Fiscal Analyst;
- 5304 (e) review and approve the executive director's:
- 5305 (i) annual work plan;
- 5306 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
- 5307 capitol hill grounds; and
- 5308 (iii) furnishings plan for placement and care of objects under the care of the board;
- 5309 (f) approve all changes to the buildings and their grounds, including:
- 5310 (i) restoration, remodeling, and rehabilitation projects;
- 5311 (ii) usual maintenance program; and
- 5312 (iii) any transfers or loans of objects under the board's care;
- 5313 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
- 5314 facilities, and capitol hill grounds, after consultation with the:
- 5315 (i) Division of Facilities Construction and Management;
- 5316 (ii) State Library Division;
- 5317 (iii) Division of Archives and Records Service;
- 5318 (iv) Division of State History;
- 5319 (v) Office of Museum Services; and
- 5320 (vi) Arts Council;
- 5321 (h) inventory, define, and identify all significant contents of the buildings and all
- 5322 state-owned items of historical significance that were at one time in the buildings, after
- 5323 consultation with the:
- 5324 (i) Division of Facilities Construction and Management;
- 5325 (ii) State Library Division;
- 5326 (iii) Division of Archives and Records Service;
- 5327 (iv) Division of State History;
- 5328 (v) Office of Museum Services; and

5329 (vi) Arts Council;

5330 (i) maintain archives relating to the construction and development of the buildings, the  
5331 contents of the buildings and their grounds, including documents such as plans, specifications,  
5332 photographs, purchase orders, and other related documents, the original copies of which shall  
5333 be maintained by the Division of Archives and Records Service;

5334 (j) comply with federal and state laws related to program and facility accessibility; and

5335 (k) establish procedures for receiving, hearing, and deciding complaints or other issues  
5336 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their  
5337 use.

5338 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative  
5339 area, as defined in [~~Section 36-5-1~~] Title 36, Chapter 2a, Part 5, Legislative Area on Capitol  
5340 Hill, is reserved to the Legislature; and

5341 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is  
5342 reserved to the governor.

5343 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill  
5344 complex, capitol hill facilities, and capitol hill grounds by following the procedures and  
5345 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5346 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the  
5347 board under the authority of this Subsection (3) is an infraction.

5348 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject  
5349 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor  
5350 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does  
5351 not prohibit prosecution and sentencing for the more serious offense.

5352 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person  
5353 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to  
5354 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,  
5355 expenses, and costs related to the violation of the rule that are incurred by the state.

5356 (e) The board may take any other legal action allowed by law.

5357 (f) The board may not apply this section or rules adopted under the authority of this  
5358 section in a manner that violates a person's rights under the Utah Constitution or the First  
5359 Amendment to the United States Constitution, including the right of persons to peaceably

5360 assemble.

5361 (g) The board shall send proposed rules under this section to the legislative general  
5362 counsel and the governor's general counsel for review and comment before the board adopts the  
5363 rules.

5364 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah  
5365 Procurement Code, but shall adopt procurement rules substantially similar to the requirements  
5366 of that chapter.

5367 (5) The board shall name:

5368 (a) the House Building, that is defined in Section [~~36-5-1~~] 36-2a-401, the "Rebecca D.  
5369 Lockhart House Building"; and

5370 (b) committee room 210 in the Senate Building, that is defined in Section [~~36-5-1~~]  
5371 36-2a-401, the "Allyson W. Gamble Committee Room[<sup>u</sup>]."

5372 (6) (a) The board may:

5373 (i) establish subcommittees made up of board members and members of the public to  
5374 assist and support the executive director in accomplishing the executive director's duties;

5375 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

5376 (iii) assign and allocate specific duties and responsibilities to any other state agency, if  
5377 the other agency agrees to perform the duty or accept the responsibility;

5378 (iv) contract with another state agency to provide services;

5379 (v) delegate by specific motion of the board any authority granted to it by this section  
5380 to the executive director;

5381 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public  
5382 property contiguous to East Capitol Boulevard and capitol hill;

5383 (vii) provide wireless Internet service to the public without a fee in any capitol hill  
5384 facility; and

5385 (viii) when necessary, consult with the:

5386 (A) Division of Facilities Construction and Management;

5387 (B) State Library Division;

5388 (C) Division of Archives and Records Service;

5389 (D) Division of State History;

5390 (E) Office of Museum Services; and

5391 (F) Arts Council.

5392 (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall  
5393 be discontinued in the legislative area if the president of the Senate and the speaker of the  
5394 House of Representatives each submit a signed letter to the board indicating that the service is  
5395 disruptive to the legislative process and is to be discontinued.

5396 (c) If a budget subcommittee is established by the board, the following shall serve as ex  
5397 officio, nonvoting members of the budget subcommittee:

5398 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office  
5399 of the Legislative Fiscal Analyst; and

5400 (ii) the executive director of the Governor's Office of Planning and Budget, or the  
5401 executive director's designee, who shall be from the Governor's Office of Planning and Budget.

5402 (d) If a preservation and maintenance subcommittee is established by the board, the  
5403 board may, by majority vote, appoint one or each of the following to serve on the  
5404 subcommittee as voting members of the subcommittee:

5405 (i) an architect, who shall be selected from a list of three architects submitted by the  
5406 American Institute of Architects; or

5407 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
5408 American Civil Engineers Council.

5409 (e) If the board establishes any subcommittees, the board may, by majority vote,  
5410 appoint up to two people who are not members of the board to serve, at the will of the board, as  
5411 nonvoting members of a subcommittee.

5412 (f) Members of each subcommittee shall, at the first meeting of each calendar year,  
5413 select one individual to act as chair of the subcommittee for a one-year term.

5414 (7) (a) The board, and the employees of the board, may not move the office of the  
5415 governor, lieutenant governor, president of the Senate, speaker of the House of  
5416 Representatives, or a member of the Legislature from the State Capitol unless the removal is  
5417 approved by:

5418 (i) the governor, in the case of the governor's office;

5419 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

5420 (iii) the president of the Senate, in the case of the president's office or the office of a  
5421 member of the Senate; or

5422 (iv) the speaker of the House of Representatives, in the case of the speaker's office or  
5423 the office of a member of the House of Representatives.

5424 (b) The board and the employees of the board have no control over the furniture,  
5425 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the  
5426 members of the Legislature except as necessary to inventory or conserve items of historical  
5427 significance owned by the state.

5428 (c) The board and the employees of the board have no control over records and  
5429 documents produced by or in the custody of a state agency, official, or employee having an  
5430 office in a building on the capitol hill complex.

5431 (d) Except for items identified by the board as having historical significance, and  
5432 except as provided in Subsection (7)(b), the board and the employees of the board have no  
5433 control over moveable furnishings and equipment in the custody of a state agency, official, or  
5434 employee having an office in a building on the capitol hill complex.

5435 Section 132. Section **63C-9-402** is amended to read:

5436 **63C-9-402. Executive director -- Duties.**

5437 The executive director shall:

5438 (1) develop, for board approval, a master plan with a projection of at least 20 years  
5439 concerning the stewardship responsibilities, operation, activities, maintenance, preservation,  
5440 restoration, and modification of the capitol hill complex, capitol hill facilities, and capitol hill  
5441 grounds, including, if directed by the board, a plan to restore the buildings to their original  
5442 architecture;

5443 (2) develop, as part of the master plan submitted for board approval, a furnishings plan  
5444 for the placement and care of objects under the care of the board;

5445 (3) prepare, and recommend for board approval, an annual budget and work plan, that  
5446 is consistent with the master plan, for all work to be performed under this chapter, including  
5447 usual operations and maintenance and janitorial and preventative maintenance for the capitol  
5448 hill complex, capitol hill facilities, capitol hill grounds, and their contents;

5449 (4) develop an operations, maintenance, and janitorial program for the capitol hill  
5450 complex, capitol hill facilities, capitol hill grounds, and their contents;

5451 (5) develop a program to purchase or accept by donation, permanent loan, or outside  
5452 funding items necessary to implement the master plan;



5453 (6) develop and maintain a registration system and inventory of the contents of the  
5454 capitol hill facilities and capitol hill grounds and of the original documents relating to the  
5455 buildings' construction and alteration;

5456 (7) develop a program to purchase or accept by donation, permanent loan, or outside  
5457 funding items of historical significance that were at one time in the capitol hill facilities and  
5458 that are not owned by the state;

5459 (8) develop a program to locate and acquire state-owned items of historical  
5460 significance that were at one time in the buildings;

5461 (9) develop a collections policy regarding the items of historic significance as  
5462 identified in the registration system and inventory for the approval of the board;

5463 (10) assist in matters dealing with the preservation of historic materials;

5464 (11) make recommendations on conservation needs and make arrangements to contract  
5465 for conservation services for objects of significance;

5466 (12) make recommendations for the transfer or loan of objects of significance as  
5467 detailed in the approved collections policy;

5468 (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus  
5469 property that is not of significance as defined in the collections policy and by the registration  
5470 system;

5471 (14) approve all art and exhibits placed on capitol hill after board approval;

5472 (15) employ staff to assist him in administering this chapter and direct and coordinate  
5473 their activities;

5474 (16) contract for professional services of qualified consultants, including architectural  
5475 historians, landscape architects with experience in landscape architectural preservation,  
5476 conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;

5477 (17) prepare annually a complete and detailed written report for the board that accounts  
5478 for all funds received and disbursed by the board during the preceding fiscal year;

5479 (18) develop and manage a visitor services program for capitol hill which shall include  
5480 public outreach programs, public tours, events, and communication and public relation  
5481 services; and

5482 (19) manage and organize all transit and parking programs on the capitol hill complex,  
5483 except that:

5484 (a) the Legislative Management Committee shall direct the executive director's  
5485 management and organization of transit and parking associated with the legislative area as  
5486 defined in Section [~~36-5-1~~] [36-2a-401](#); and

5487 (b) the governor shall direct the executive director's management and organization of  
5488 transit and parking associated with the governor's area as defined in Section [67-1-16](#).

5489 Section 133. Section **63E-1-401** is amended to read:

5490 **63E-1-401. Definitions.**

5491 As used in this part:

5492 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and  
5493 includes:

5494 (a) cash, except reasonable compensation or salary for services rendered;

5495 (b) stock or other investments;

5496 (c) goodwill;

5497 (d) real property;

5498 (e) an ownership interest;

5499 (f) a license;

5500 (g) a cause of action; and

5501 (h) any similar property.

5502 (2) "Business interest" means:

5503 (a) holding the position of trustee, director, officer, or other similar position with a  
5504 business entity; or

5505 (b) the ownership, either legally or equitably, of at least 10% of the outstanding shares  
5506 of a corporation or 10% interest in any other business entity, being held by:

5507 (i) an individual;

5508 (ii) the individual's spouse;

5509 (iii) a minor child of the individual; or

5510 (iv) any combination of Subsections (2)(b)(i) through (iii).

5511 (3) "Interested party" means a person that held or holds the position of trustee, director,  
5512 officer, or other similar position with an independent entity within:

5513 (a) five years prior to the date of an action described in Subsection (5); or

5514 (b) during the privatization of an independent entity.

5515 (4) "Lobbyist" is a person that provided or provides services as a lobbyist, as defined in  
5516 [~~Section 36-11-102 or 36-11a-102~~] Sections 11-65-101 and 67-1c-101, within:

5517 (a) five years prior to the date of an action described in Subsection (5); or

5518 (b) during the privatization of an independent entity.

5519 (5) (a) "Privatized" means an action described in Subsection (5)(b) taken under  
5520 circumstances in which the operations of the independent entity are continued by a successor  
5521 entity that:

5522 (i) is privately owned;

5523 (ii) is unaffiliated to the state; and

5524 (iii) receives any asset of the independent entity.

5525 (b) An action referred to in Subsection (5)(a) includes:

5526 (i) the repeal of the authorizing statute of an independent entity and the revision to state  
5527 laws to terminate the relationship between the state and the independent entity;

5528 (ii) the dissolution of the independent entity;

5529 (iii) the merger or consolidation of the independent entity with another entity; or

5530 (iv) the sale of all or substantially all of the assets of the independent entity.

5531 Section 134. Section **63E-1-404** is amended to read:

5532 **63E-1-404. Penalties for violation.**

5533 (1) A person who knowingly violates this part:

5534 (a) is guilty of a third degree felony if the combined value of any compensation or  
5535 assets received by the person as a result of the violation is equal to or greater than \$10,000; or

5536 (b) is guilty of a class A misdemeanor if the combined value of any compensation or  
5537 assets received by the person as a result of the violation is less than \$10,000.

5538 (2) (a) In addition to any penalty imposed under Subsection (1), a person that violates  
5539 this part shall return to the successor of the independent entity any compensation or assets  
5540 received in violation of this part.

5541 (b) If the assets received by the person in violation of this part are no longer in the  
5542 possession of the person, the person shall pay the successor of the independent entity an  
5543 amount equal to the fair market value of the asset at the time the person received the asset.

5544 (3) Notwithstanding Subsections [~~36-11-401(3) and 36-11a-301(3)~~] 11-65-101(3) and  
5545 67-1c-501(3), if a lobbyist violates Subsection 63E-1-402(2)(b)(i), the lobbyist is guilty of the

5546 crime outlined in Subsection (1), which crime shall be determined by the value of  
5547 compensation or assets received by the lobbyist.

5548 Section 135. Section **63E-2-104** is amended to read:

5549 **63E-2-104. Legislative review.**

5550 (1) Each independent corporation is subject to review by the Retirement and  
5551 Independent Entities Committee in accordance with Chapter 1, Independent Entities Act.

5552 (2) Notwithstanding Section [~~36-12-15~~] [36-4a-301](#), the Office of Legislative Auditor  
5553 General may conduct comprehensive and special purpose audits, examinations, and reviews of  
5554 any independent corporation.

5555 (3) Each independent corporation shall report, as requested, to the committee on  
5556 matters related to audits.

5557 Section 136. Section **63G-2-305** is amended to read:

5558 **63G-2-305. Protected records.**

5559 The following records are protected if properly classified by a governmental entity:

5560 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret  
5561 has provided the governmental entity with the information specified in Section [63G-2-309](#);

5562 (2) commercial information or nonindividual financial information obtained from a  
5563 person if:

5564 (a) disclosure of the information could reasonably be expected to result in unfair  
5565 competitive injury to the person submitting the information or would impair the ability of the  
5566 governmental entity to obtain necessary information in the future;

5567 (b) the person submitting the information has a greater interest in prohibiting access  
5568 than the public in obtaining access; and

5569 (c) the person submitting the information has provided the governmental entity with  
5570 the information specified in Section [63G-2-309](#);

5571 (3) commercial or financial information acquired or prepared by a governmental entity  
5572 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
5573 commodities that will interfere with a planned transaction by the governmental entity or cause  
5574 substantial financial injury to the governmental entity or state economy;

5575 (4) records, the disclosure of which could cause commercial injury to, or confer a  
5576 competitive advantage upon a potential or actual competitor of, a commercial project entity as

5577 defined in Subsection [11-13-103\(4\)](#);

5578 (5) test questions and answers to be used in future license, certification, registration,  
5579 employment, or academic examinations;

5580 (6) records, the disclosure of which would impair governmental procurement  
5581 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
5582 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
5583 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
5584 grant has been awarded and signed by all parties:

5585 (a) a bid, proposal, application, or other information submitted to or by a governmental  
5586 entity in response to:

5587 (i) an invitation for bids;

5588 (ii) a request for proposals;

5589 (iii) a request for quotes;

5590 (iv) a grant; or

5591 (v) other similar document; or

5592 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

5593 (7) information submitted to or by a governmental entity in response to a request for  
5594 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
5595 the right of a person to have access to the information, after:

5596 (a) a contract directly relating to the subject of the request for information has been  
5597 awarded and signed by all parties; or

5598 (b) (i) a final determination is made not to enter into a contract that relates to the  
5599 subject of the request for information; and

5600 (ii) at least two years have passed after the day on which the request for information is  
5601 issued;

5602 (8) records that would identify real property or the appraisal or estimated value of real  
5603 or personal property, including intellectual property, under consideration for public acquisition  
5604 before any rights to the property are acquired unless:

5605 (a) public interest in obtaining access to the information is greater than or equal to the  
5606 governmental entity's need to acquire the property on the best terms possible;

5607 (b) the information has already been disclosed to persons not employed by or under a

5608 duty of confidentiality to the entity;

5609 (c) in the case of records that would identify property, potential sellers of the described  
5610 property have already learned of the governmental entity's plans to acquire the property;

5611 (d) in the case of records that would identify the appraisal or estimated value of  
5612 property, the potential sellers have already learned of the governmental entity's estimated value  
5613 of the property; or

5614 (e) the property under consideration for public acquisition is a single family residence  
5615 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
5616 the property as required under Section [78B-6-505](#);

5617 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
5618 compensated transaction of real or personal property including intellectual property, which, if  
5619 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
5620 of the subject property, unless:

5621 (a) the public interest in access is greater than or equal to the interests in restricting  
5622 access, including the governmental entity's interest in maximizing the financial benefit of the  
5623 transaction; or

5624 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
5625 the value of the subject property have already been disclosed to persons not employed by or  
5626 under a duty of confidentiality to the entity;

5627 (10) records created or maintained for civil, criminal, or administrative enforcement  
5628 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
5629 release of the records:

5630 (a) reasonably could be expected to interfere with investigations undertaken for  
5631 enforcement, discipline, licensing, certification, or registration purposes;

5632 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
5633 proceedings;

5634 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
5635 hearing;

5636 (d) reasonably could be expected to disclose the identity of a source who is not  
5637 generally known outside of government and, in the case of a record compiled in the course of  
5638 an investigation, disclose information furnished by a source not generally known outside of

5639 government if disclosure would compromise the source; or

5640 (e) reasonably could be expected to disclose investigative or audit techniques,  
5641 procedures, policies, or orders not generally known outside of government if disclosure would  
5642 interfere with enforcement or audit efforts;

5643 (11) records the disclosure of which would jeopardize the life or safety of an  
5644 individual;

5645 (12) records the disclosure of which would jeopardize the security of governmental  
5646 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
5647 or other appropriation or use contrary to law or public policy;

5648 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
5649 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
5650 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

5651 (14) records that, if disclosed, would reveal recommendations made to the Board of  
5652 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
5653 Board of Pardons and Parole, or the Department of Human Services that are based on the  
5654 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
5655 jurisdiction;

5656 (15) records and audit workpapers that identify audit, collection, and operational  
5657 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
5658 audits or collections;

5659 (16) records of a governmental audit agency relating to an ongoing or planned audit  
5660 until the final audit is released;

5661 (17) records that are subject to the attorney client privilege;

5662 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
5663 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
5664 quasi-judicial, or administrative proceeding;

5665 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
5666 from a member of the Legislature; and

5667 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
5668 legislative action or policy may not be classified as protected under this section; and

5669 (b) (i) an internal communication that is part of the deliberative process in connection

5670 with the preparation of legislation between:

5671 (A) members of a legislative body;

5672 (B) a member of a legislative body and a member of the legislative body's staff; or

5673 (C) members of a legislative body's staff; and

5674 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
5675 legislative action or policy may not be classified as protected under this section;

5676 (20) (a) records in the custody or control of the Office of Legislative Research and  
5677 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
5678 legislation or contemplated course of action before the legislator has elected to support the  
5679 legislation or course of action, or made the legislation or course of action public; and

5680 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
5681 Office of Legislative Research and General Counsel is a public document unless a legislator  
5682 asks that the records requesting the legislation be maintained as protected records until such  
5683 time as the legislator elects to make the legislation or course of action public;

5684 (21) research requests from legislators to the Office of Legislative Research and  
5685 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
5686 in response to these requests;

5687 (22) drafts, unless otherwise classified as public;

5688 (23) records concerning a governmental entity's strategy about:

5689 (a) collective bargaining; or

5690 (b) imminent or pending litigation;

5691 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
5692 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
5693 Uninsured Employers' Fund, or similar divisions in other governmental entities;

5694 (25) records, other than personnel evaluations, that contain a personal recommendation  
5695 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
5696 personal privacy, or disclosure is not in the public interest;

5697 (26) records that reveal the location of historic, prehistoric, paleontological, or  
5698 biological resources that if known would jeopardize the security of those resources or of  
5699 valuable historic, scientific, educational, or cultural information;

5700 (27) records of independent state agencies if the disclosure of the records would



5701 conflict with the fiduciary obligations of the agency;

5702 (28) records of an institution within the state system of higher education defined in  
5703 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
5704 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
5705 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
5706 the final decisions about tenure, appointments, retention, promotions, or those students  
5707 admitted, may not be classified as protected under this section;

5708 (29) records of the governor's office, including budget recommendations, legislative  
5709 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
5710 policies or contemplated courses of action before the governor has implemented or rejected  
5711 those policies or courses of action or made them public;

5712 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
5713 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
5714 recommendations in these areas;

5715 (31) records provided by the United States or by a government entity outside the state  
5716 that are given to the governmental entity with a requirement that they be managed as protected  
5717 records if the providing entity certifies that the record would not be subject to public disclosure  
5718 if retained by it;

5719 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
5720 public body except as provided in Section [52-4-206](#);

5721 (33) records that would reveal the contents of settlement negotiations but not including  
5722 final settlements or empirical data to the extent that they are not otherwise exempt from  
5723 disclosure;

5724 (34) memoranda prepared by staff and used in the decision-making process by an  
5725 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
5726 other body charged by law with performing a quasi-judicial function;

5727 (35) records that would reveal negotiations regarding assistance or incentives offered  
5728 by or requested from a governmental entity for the purpose of encouraging a person to expand  
5729 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
5730 person or place the governmental entity at a competitive disadvantage, but this section may not  
5731 be used to restrict access to a record evidencing a final contract;

5732 (36) materials to which access must be limited for purposes of securing or maintaining  
5733 the governmental entity's proprietary protection of intellectual property rights including patents,  
5734 copyrights, and trade secrets;

5735 (37) the name of a donor or a prospective donor to a governmental entity, including an  
5736 institution within the state system of higher education defined in Section 53B-1-102, and other  
5737 information concerning the donation that could reasonably be expected to reveal the identity of  
5738 the donor, provided that:

5739 (a) the donor requests anonymity in writing;

5740 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
5741 classified protected by the governmental entity under this Subsection (37); and

5742 (c) except for an institution within the state system of higher education defined in  
5743 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
5744 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
5745 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
5746 by the donor or the donor's immediate family;

5747 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
5748 73-18-13;

5749 (39) a notification of workers' compensation insurance coverage described in Section  
5750 34A-2-205;

5751 (40) (a) the following records of an institution within the state system of higher  
5752 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
5753 or received by or on behalf of faculty, staff, employees, or students of the institution:

5754 (i) unpublished lecture notes;

5755 (ii) unpublished notes, data, and information:

5756 (A) relating to research; and

5757 (B) of:

5758 (I) the institution within the state system of higher education defined in Section  
5759 53B-1-102; or

5760 (II) a sponsor of sponsored research;

5761 (iii) unpublished manuscripts;

5762 (iv) creative works in process;

5763 (v) scholarly correspondence; and  
5764 (vi) confidential information contained in research proposals;  
5765 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
5766 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and  
5767 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
5768 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
5769 General that would reveal the name of a particular legislator who requests a legislative audit  
5770 prior to the date that audit is completed and made public; and  
5771 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
5772 Office of the Legislative Auditor General is a public document unless the legislator asks that  
5773 the records in the custody or control of the Office of the Legislative Auditor General that would  
5774 reveal the name of a particular legislator who requests a legislative audit be maintained as  
5775 protected records until the audit is completed and made public;  
5776 (42) records that provide detail as to the location of an explosive, including a map or  
5777 other document that indicates the location of:  
5778 (a) a production facility; or  
5779 (b) a magazine;  
5780 (43) information:  
5781 (a) contained in the statewide database of the Division of Aging and Adult Services  
5782 created by Section 62A-3-311.1; or  
5783 (b) received or maintained in relation to the Identity Theft Reporting Information  
5784 System (IRIS) established under Section 67-5-22;  
5785 (44) information contained in the Licensing Information System described in Title  
5786 62A, Chapter 4a, Child and Family Services;  
5787 (45) information regarding National Guard operations or activities in support of the  
5788 National Guard's federal mission;  
5789 (46) records provided by any pawn or secondhand business to a law enforcement  
5790 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
5791 Secondhand Merchandise Transaction Information Act;  
5792 (47) information regarding food security, risk, and vulnerability assessments performed  
5793 by the Department of Agriculture and Food;

5794 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
5795 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or  
5796 prepared or maintained by the Division of Emergency Management, and the disclosure of  
5797 which would jeopardize:

5798 (a) the safety of the general public; or

5799 (b) the security of:

5800 (i) governmental property;

5801 (ii) governmental programs; or

5802 (iii) the property of a private person who provides the Division of Emergency  
5803 Management information;

5804 (49) records of the Department of Agriculture and Food that provides for the  
5805 identification, tracing, or control of livestock diseases, including any program established under  
5806 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
5807 of Animal Disease;

5808 (50) as provided in Section 26-39-501:

5809 (a) information or records held by the Department of Health related to a complaint  
5810 regarding a child care program or residential child care which the department is unable to  
5811 substantiate; and

5812 (b) information or records related to a complaint received by the Department of Health  
5813 from an anonymous complainant regarding a child care program or residential child care;

5814 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
5815 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
5816 personal mobile phone number, if:

5817 (a) the individual is required to provide the information in order to comply with a law,  
5818 ordinance, rule, or order of a government entity; and

5819 (b) the subject of the record has a reasonable expectation that this information will be  
5820 kept confidential due to:

5821 (i) the nature of the law, ordinance, rule, or order; and

5822 (ii) the individual complying with the law, ordinance, rule, or order;

5823 (52) the portion of the following documents that contains a candidate's residential or  
5824 mailing address, if the candidate provides to the filing officer another address or phone number

5825 where the candidate may be contacted:

5826 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
5827 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
5828 20A-9-408.5, 20A-9-502, or 20A-9-601;

5829 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

5830 (c) a notice of intent to gather signatures for candidacy, described in Section  
5831 20A-9-408;

5832 (53) the name, home address, work addresses, and telephone numbers of an individual  
5833 that is engaged in, or that provides goods or services for, medical or scientific research that is:

5834 (a) conducted within the state system of higher education, as defined in Section  
5835 53B-1-102; and

5836 (b) conducted using animals;

5837 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
5838 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
5839 recommend that the voters retain a judge including information disclosed under Subsection  
5840 78A-12-203(5)(e);

5841 (55) information collected and a report prepared by the Judicial Performance  
5842 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
5843 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
5844 the information or report;

5845 (56) records provided or received by the Public Lands Policy Coordinating Office in  
5846 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

5847 (57) information requested by and provided to the 911 Division under Section  
5848 63H-7a-302;

5849 (58) in accordance with Section 73-10-33:

5850 (a) a management plan for a water conveyance facility in the possession of the Division  
5851 of Water Resources or the Board of Water Resources; or

5852 (b) an outline of an emergency response plan in possession of the state or a county or  
5853 municipality;

5854 (59) the following records in the custody or control of the Office of Inspector General  
5855 of Medicaid Services, created in Section 63A-13-201:

5856 (a) records that would disclose information relating to allegations of personal  
5857 misconduct, gross mismanagement, or illegal activity of a person if the information or  
5858 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
5859 through other documents or evidence, and the records relating to the allegation are not relied  
5860 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
5861 report or final audit report;

5862 (b) records and audit workpapers to the extent they would disclose the identity of a  
5863 person who, during the course of an investigation or audit, communicated the existence of any  
5864 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
5865 regulation adopted under the laws of this state, a political subdivision of the state, or any  
5866 recognized entity of the United States, if the information was disclosed on the condition that  
5867 the identity of the person be protected;

5868 (c) before the time that an investigation or audit is completed and the final  
5869 investigation or final audit report is released, records or drafts circulated to a person who is not  
5870 an employee or head of a governmental entity for the person's response or information;

5871 (d) records that would disclose an outline or part of any investigation, audit survey  
5872 plan, or audit program; or

5873 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
5874 investigation or audit;

5875 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
5876 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
5877 abuse;

5878 (61) information provided to the Department of Health or the Division of Occupational  
5879 and Professional Licensing under Subsections [58-67-304\(3\)](#) and (4) and Subsections  
5880 [58-68-304\(3\)](#) and (4);

5881 (62) a record described in Section [63G-12-210](#);

5882 (63) captured plate data that is obtained through an automatic license plate reader  
5883 system used by a governmental entity as authorized in Section [41-6a-2003](#);

5884 (64) any record in the custody of the Utah Office for Victims of Crime relating to a  
5885 victim, including:

5886 (a) a victim's application or request for benefits;

- 5887 (b) a victim's receipt or denial of benefits; and
- 5888 (c) any administrative notes or records made or created for the purpose of, or used to,
- 5889 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
- 5890 Reparations Fund;
- 5891 (65) an audio or video recording created by a body-worn camera, as that term is
- 5892 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
- 5893 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
- 5894 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
- 5895 that term is defined in Section 62A-2-101, except for recordings that:
- 5896 (a) depict the commission of an alleged crime;
- 5897 (b) record any encounter between a law enforcement officer and a person that results in
- 5898 death or bodily injury, or includes an instance when an officer fires a weapon;
- 5899 (c) record any encounter that is the subject of a complaint or a legal proceeding against
- 5900 a law enforcement officer or law enforcement agency;
- 5901 (d) contain an officer involved critical incident as defined in Subsection
- 5902 76-2-408(1)(f); or
- 5903 (e) have been requested for reclassification as a public record by a subject or
- 5904 authorized agent of a subject featured in the recording;
- 5905 (66) a record pertaining to the search process for a president of an institution of higher
- 5906 education described in Section 53B-2-102, except for application materials for a publicly
- 5907 announced finalist;
- 5908 (67) an audio recording that is:
- 5909 (a) produced by an audio recording device that is used in conjunction with a device or
- 5910 piece of equipment designed or intended for resuscitating an individual or for treating an
- 5911 individual with a life-threatening condition;
- 5912 (b) produced during an emergency event when an individual employed to provide law
- 5913 enforcement, fire protection, paramedic, emergency medical, or other first responder service:
- 5914 (i) is responding to an individual needing resuscitation or with a life-threatening
- 5915 condition; and
- 5916 (ii) uses a device or piece of equipment designed or intended for resuscitating an
- 5917 individual or for treating an individual with a life-threatening condition; and



5918 (c) intended and used for purposes of training emergency responders how to improve  
5919 their response to an emergency situation;

5920 (68) records submitted by or prepared in relation to an applicant seeking a  
5921 recommendation by the Research and General Counsel Subcommittee, the Budget  
5922 Subcommittee, or the Audit Subcommittee, established under Section [~~36-12-8~~] [36-3a-301](#), for  
5923 an employment position with the Legislature;

5924 (69) work papers as defined in Section [31A-2-204](#);

5925 (70) a record made available to Adult Protective Services or a law enforcement agency  
5926 under Section [61-1-206](#);

5927 (71) a record submitted to the Insurance Department in accordance with Section  
5928 [31A-37-201](#);

5929 (72) a record described in Section [31A-37-503](#);

5930 (73) any record created by the Division of Occupational and Professional Licensing as  
5931 a result of Subsection [58-37f-304\(5\)](#) or [58-37f-702\(2\)\(a\)\(ii\)](#);

5932 (74) a record described in Section [72-16-306](#) that relates to the reporting of an injury  
5933 involving an amusement ride;

5934 (75) except as provided in Subsection [63G-2-305.5\(1\)](#), the signature of an individual  
5935 on a political petition, or on a request to withdraw a signature from a political petition,  
5936 including a petition or request described in the following titles:

5937 (a) Title 10, Utah Municipal Code;

5938 (b) Title 17, Counties;

5939 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

5940 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

5941 (e) Title 20A, Election Code;

5942 (76) except as provided in Subsection [63G-2-305.5\(2\)](#), the signature of an individual in  
5943 a voter registration record;

5944 (77) except as provided in Subsection [63G-2-305.5\(3\)](#), any signature, other than a  
5945 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a  
5946 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

5947 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part  
5948 5, Victims Guidelines for Prosecutors Act;



5949 (79) a record submitted to the Insurance Department under Subsection  
5950 31A-48-103(1)(b);

5951 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is  
5952 prohibited under Section 63G-26-103;

5953 (81) (a) an image taken of an individual during the process of booking the individual  
5954 into jail, unless:

5955 (i) the individual is convicted of a criminal offense based upon the conduct for which  
5956 the individual was incarcerated at the time the image was taken;

5957 (ii) a law enforcement agency releases or disseminates the image after determining  
5958 that:

5959 (A) the individual is a fugitive or an imminent threat to an individual or to public  
5960 safety; and

5961 (B) releasing or disseminating the image will assist in apprehending the individual or  
5962 reducing or eliminating the threat; or

5963 (iii) a judge orders the release or dissemination of the image based on a finding that the  
5964 release or dissemination is in furtherance of a legitimate law enforcement interest[-];

5965 (82) a record:

5966 (a) concerning an interstate claim to the use of waters in the Colorado River system;

5967 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
5968 representative from another state or the federal government as provided in Section  
5969 63M-14-205; and

5970 (c) the disclosure of which would:

5971 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
5972 Colorado River system;

5973 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
5974 negotiate the best terms and conditions regarding the use of water in the Colorado River  
5975 system; or

5976 (iii) give an advantage to another state or to the federal government in negotiations  
5977 regarding the use of water in the Colorado River system; and

5978 (83) any part of an application described in Section 63N-16-201 that the Governor's  
5979 Office of Economic Opportunity determines is nonpublic, confidential information that if

5980 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may  
5981 not be used to restrict access to a record evidencing a final contract or approval decision.

5982 Section 137. Section **63G-3-501** is amended to read:

5983 **63G-3-501. Administrative Rules Review Committee.**

5984 (1) (a) There is created an Administrative Rules Review Committee of the following  
5985 10 permanent members:

5986 (i) five members of the Senate appointed by the president of the Senate, no more than  
5987 three of whom may be from the same political party; and

5988 (ii) five members of the House of Representatives appointed by the speaker of the  
5989 House of Representatives, no more than three of whom may be from the same political party.

5990 (b) Each permanent member shall serve:

5991 (i) for a two-year term; or

5992 (ii) until the permanent member's successor is appointed.

5993 (c) (i) A vacancy exists when a permanent member ceases to be a member of the  
5994 Legislature, or when a permanent member resigns from the committee.

5995 (ii) When a vacancy exists:

5996 (A) if the departing member is a member of the Senate, the president of the Senate  
5997 shall appoint a member of the Senate to fill the vacancy; or

5998 (B) if the departing member is a member of the House of Representatives, the speaker  
5999 of the House of Representatives shall appoint a member of the House of Representatives to fill  
6000 the vacancy.

6001 (iii) The newly appointed member shall serve the remainder of the departing member's  
6002 unexpired term.

6003 (d) (i) The president of the Senate shall designate a member of the Senate appointed  
6004 under Subsection (1)(a)(i) as a cochair of the committee.

6005 (ii) The speaker of the House of Representatives shall designate a member of the  
6006 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.

6007 (e) Three representatives and three senators from the permanent members are a quorum  
6008 for the transaction of business at any meeting.

6009 (f) (i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each  
6010 month to review new agency rules, amendments to existing agency rules, and repeals of

6011 existing agency rules.

6012 (ii) The committee chairs may suspend the meeting requirement described in  
6013 Subsection (1)(f)(i) at the committee chairs' discretion.

6014 (2) The office shall submit a copy of each issue of the bulletin to the committee.

6015 (3) (a) The committee shall exercise continuous oversight of the rulemaking process.

6016 (b) The committee shall examine each rule, including any rule made according to the  
6017 emergency rulemaking procedure described in Section [63G-3-304](#), submitted by an agency to  
6018 determine:

6019 (i) whether the rule is authorized by statute;

6020 (ii) whether the rule complies with legislative intent;

6021 (iii) the rule's impact on the economy and the government operations of the state and  
6022 local political subdivisions;

6023 (iv) the rule's impact on affected persons;

6024 (v) the rule's total cost to entities regulated by the state;

6025 (vi) the rule's benefit to the citizens of the state; and

6026 (vii) whether adoption of the rule requires legislative review or approval.

6027 (c) The committee may examine and review:

6028 (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster  
6029 Response and Recovery Act; or

6030 (ii) any public health order issued during a public health emergency declared in  
6031 accordance with Title 26, Utah Health Code, or Title 26A, Local Health Authorities.

6032 (d) (i) To carry out these duties, the committee may examine any other issues that the  
6033 committee considers necessary.

6034 (ii) The committee may also notify and refer rules to the chairs of the interim  
6035 committee that has jurisdiction over a particular agency when the committee determines that an  
6036 issue involved in an agency's rules may be more appropriately addressed by that committee.

6037 (e) In reviewing a rule, the committee shall follow generally accepted principles of  
6038 statutory construction.

6039 (4) When the committee reviews an existing rule, the committee chairs shall invite the  
6040 Senate and House chairs of the standing committee and of the appropriation subcommittee that  
6041 have jurisdiction over the agency whose existing rule is being reviewed to participate as

6042 nonvoting, ex officio members with the committee.

6043 (5) The committee may request that the Office of the Legislative Fiscal Analyst prepare  
6044 a fiscal note on any rule.

6045 (6) In order to accomplish the committee's functions described in this chapter, the  
6046 committee has all the powers granted to legislative interim committees under Section  
6047 ~~[36-12-11]~~ [36-3a-501](#).

6048 (7) (a) The committee may prepare written findings of the committee's review of a rule  
6049 or policy and may include any recommendation, including legislative action.

6050 (b) When the committee reviews a rule, the committee shall provide to the agency that  
6051 enacted the rule:

6052 (i) the committee's findings, if any; and

6053 (ii) a request that the agency notify the committee of any changes the agency makes to  
6054 the rule.

6055 (c) The committee shall provide a copy of the committee's findings, if any, to:

6056 (i) any member of the Legislature, upon request;

6057 (ii) any person affected by the rule, upon request;

6058 (iii) the president of the Senate;

6059 (iv) the speaker of the House of Representatives;

6060 (v) the Senate and House chairs of the standing committee that has jurisdiction over the  
6061 agency that made the rule; and

6062 (vi) the Senate and House chairs of the appropriation subcommittee that has  
6063 jurisdiction over the agency that made the rule.

6064 (8) (a) (i) The committee may submit a report on the committee's review of state  
6065 agency rules to each member of the Legislature at each regular session.

6066 (ii) The report shall include:

6067 (A) any finding or recommendation the committee made under Subsection (7);

6068 (B) any action an agency took in response to a committee recommendation; and

6069 (C) any recommendation by the committee for legislation.

6070 (b) If the committee receives a recommendation not to reauthorize a rule, as described  
6071 in Subsection [63G-3-301\(13\)\(b\)](#), and the committee recommends to the Legislature  
6072 reauthorization of the rule, the committee shall submit a report to each member of the

6073 Legislature detailing the committee's decision.

6074 Section 138. Section **63G-6a-107.8** is amended to read:

6075 **63G-6a-107.8. Building board report to legislative interim committee.**

6076 The building board shall make a report on or before July 1 of each year to a legislative  
6077 interim committee designated by the Legislative Management Committee, created under  
6078 Section [~~36-12-6~~] [36-3a-201](#), on the establishment, implementation, and enforcement of the  
6079 rules made by the building board under this chapter.

6080 Section 139. Section **63G-6a-204** is amended to read:

6081 **63G-6a-204. Applicability of rules of Utah State Procurement Policy Board and**  
6082 **State Building Board -- Report to interim committee.**

6083 (1) Except as provided in Subsection (2), rules made by the board under this chapter  
6084 shall govern all procurement units for which the board is the rulemaking authority.

6085 (2) The building board rules governing procurement of construction, design  
6086 professional services, and leases apply to the procurement of construction, design professional  
6087 services, and leases of real property by the facilities division.

6088 (3) A rulemaking authority may make its own rules, consistent with this chapter,  
6089 governing procurement by a person over which the rulemaking authority has rulemaking  
6090 authority.

6091 (4) The board shall make a report on or before July 1 of each year to a legislative  
6092 interim committee, designated by the Legislative Management Committee created under  
6093 Section [~~36-12-6~~] [36-3a-201](#), on the establishment, implementation, and enforcement of the  
6094 rules made under Section [63G-6a-203](#).

6095 Section 140. Section **63G-12-210** is amended to read:

6096 **63G-12-210. Verification of valid permit -- Protected status of information.**

6097 (1) (a) The department shall develop a verification procedure by rule made in  
6098 accordance with Chapter 3, Utah Administrative Rulemaking Act, for a person who hires a  
6099 permit holder to verify with the department that the permit is valid as required by Section  
6100 [63G-12-301](#).

6101 (b) The verification procedure adopted under this Subsection (1) shall:

6102 (i) be substantially similar to the employer requirements to verify federal employment  
6103 status under the e-verify program; and

6104 (ii) provide that an undocumented individual may appeal a determination that a permit  
6105 is invalid in accordance with Chapter 4, Administrative Procedures Act.

6106 (2) (a) Subject to Section 63G-12-212, a record under this part is a protected record  
6107 under Chapter 2, Government Records Access and Management Act, except that a record may  
6108 not be shared under Section 63G-2-206~~[, unless:]~~.

6109 (b) Notwithstanding Subsection (2)(a), the department shall provide the following  
6110 protected records:

6111 ~~[(a)]~~ (i) records requested by the Office of Legislative Auditor General in accordance  
6112 with Section ~~[36-12-15]~~ 36-4a-303;

6113 ~~[(b)]~~ (ii) records disclosed to the State Tax Commission as provided in Subsection  
6114 63G-12-203(2)(e)(vi); or

6115 ~~[(c)]~~ (iii) records disclosed to a federal government entity in accordance with this part  
6116 or a waiver, exemption, or authorization described in Section 63G-12-202.

6117 (3) The state is not liable to any person for:

6118 (a) the design, implementation, or operation of a verification procedure under this part;

6119 (b) the collection and disclosure of information as part of a verification procedure  
6120 under this part; or

6121 (c) the determination that a permit is invalid.

6122 Section 141. Section 63G-23-102 is amended to read:

6123 **63G-23-102. Definitions.**

6124 As used in this chapter:

6125 (1) "Public official" means the same as that term is defined in Section ~~[36-11-102]~~  
6126 67-1c-101.

6127 (2) "Public official" includes a judge or justice of:

6128 (a) the Utah Supreme Court;

6129 (b) the Utah Court of Appeals; or

6130 (c) a district court.

6131 Section 142. Section 63H-4-108 is amended to read:

6132 **63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.**

6133 (1) The authority is exempt from:

6134 (a) Title 51, Chapter 5, Funds Consolidation Act;

- 6135 (b) Title 63A, Utah Government Operations Code;
- 6136 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 6137 (d) Title 63A, Chapter 17, Utah State Personnel Management Act.
- 6138 (2) The authority is subject to:
- 6139 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 6140 (b) Section [67-3-12](#);
- 6141 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 6142 (d) Title 63G, Chapter 6a, Utah Procurement Code.
- 6143 (3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3,
- 6144 Auditor, and by the legislative auditor general pursuant to Section [~~36-12-15~~] [36-4a-301](#).
- 6145 (4) Subject to the requirements of Subsection [63E-1-304](#)(2), the authority may
- 6146 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).
- 6147 Section 143. Section **63H-5-108** is amended to read:
- 6148 **63H-5-108. Relation to certain acts.**
- 6149 (1) The authority is exempt from:
- 6150 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 6151 (b) Title 63A, Utah Government Operations Code;
- 6152 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 6153 (d) Title 63A, Chapter 17, Utah State Personnel Management Act.
- 6154 (2) The authority is subject to:
- 6155 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 6156 (b) Section [67-3-12](#);
- 6157 (c) Title 63G, Chapter 2, Government Records Access and Management Act;
- 6158 (d) Title 63G, Chapter 6a, Utah Procurement Code; and
- 6159 (e) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 6160 legislative auditor general pursuant to Section [~~36-12-15~~] [36-4a-301](#).
- 6161 Section 144. Section **63I-1-236** is amended to read:
- 6162 **63I-1-236. Repeal dates, Title 36.**
- 6163 (1) Title 36, [~~Chapter 17,~~] Chapter 6a, Part 2, Legislative Process Committee, is
- 6164 repealed January 1, 2023.
- 6165 (2) Section [36-12-20](#) is repealed June 30, 2023.

6166 (3) Title 36, Chapter ~~[28,]~~ 7a, Part 2, Veterans and Military Affairs Commission, is  
6167 repealed January 1, 2025.

6168 [~~(4) Section 36-29-106 is repealed June 1, 2021.~~]

6169 [~~(5)~~] (4) [~~Section 36-29-108~~] Title 36, Chapter 7a, Part 3, Criminal Code Evaluation  
6170 Task Force, is repealed April 15, 2023.

6171 [~~(6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee,~~  
6172 ~~is repealed January 1, 2022.~~]

6173 Section 145. Section **63I-2-236** is amended to read:

6174 **63I-2-236. Repeal dates -- Title 36.**

6175 (1) Section [~~36-29-107.5~~] 36-7a-401 is repealed on November 30, 2023.

6176 (2) The following sections regarding the State Flag Task Force are repealed on January  
6177 1, 2024:

6178 (a) Section [~~36-29-201~~] 36-7a-501;

6179 (b) Section [~~36-29-202~~] 36-7a-502; and

6180 (c) Section [~~36-29-203~~] 36-7a-503.

6181 Section 146. Section **63J-1-904** is amended to read:

6182 **63J-1-904. Efficiency improvement process.**

6183 (1) By May 1, 2022, the Governor's Office of Planning and Budget and the Office of  
6184 the Legislative Fiscal Analyst shall jointly establish a process that identifies and prioritizes  
6185 government processes to target for efficiency improvements.

6186 (2) The Governor's Office of Planning and Budget and the Office of the Legislative  
6187 Fiscal Analyst shall ensure that the efficiency improvement process described in Subsection (1)  
6188 addresses the following:

6189 (a) the roles of the Governor's Office of Planning and Budget and the Office of the  
6190 Legislative Fiscal Analyst throughout the efficiency improvement process;

6191 (b) how to collaborate with an appropriated entity in the development of the  
6192 appropriated entity's performance measures under Section 63J-1-903;

6193 (c) how to evaluate the results of an appropriated entity's performance measures,  
6194 including identifying which performance measures that an appropriated entity may want to  
6195 retain, modify, or discontinue;

6196 (d) the process by which an appropriated entity's government process is selected for an



6197 efficiency evaluation;

6198 (e) the criteria and methodology used for an efficiency evaluation;

6199 (f) whether to provide any rewards or incentives for an appropriated entity to

6200 implement recommendations from an efficiency evaluation;

6201 (g) whether to create a formal or informal committee that advises the efficiency

6202 improvement process; and

6203 (h) the process by which the Governor's Office of Planning and Budget and the Office

6204 of the Legislative Fiscal Analyst notify the Office of the Legislative Auditor General when an

6205 efficiency evaluation is completed.

6206 (3) (a) The Office of the Legislative Auditor General shall independently review the

6207 results of each efficiency evaluation conducted under this section.

6208 (b) If, based on the review described in Subsection (3)(a), the Office of the Legislative

6209 Auditor General determines further review is necessary, the Office of the Legislative Auditor

6210 General shall:

6211 (i) conduct a risk assessment; and

6212 (ii) provide the results of the risk assessment to the Audit Subcommittee created in

6213 Section [~~36-12-8~~] [36-3a-201](#).

6214 (4) Beginning in 2021 and each calendar year thereafter, the Governor's Office of

6215 Planning and Budget and the Office of the Legislative Fiscal Analyst shall, before December

6216 31, report to the governor and the Legislative Management Committee, respectively, regarding

6217 the status of the efficiency improvement process and recommended changes, if any.

6218 (5) The efficiency improvement process described in this section does not apply to a

6219 legislative department government process.

6220 Section 147. Section **67-1-16** is amended to read:

6221 **67-1-16. Reservation of area for governor.**

6222 (1) As used in this section:

6223 (a) "Architectural integrity" means the architectural elements, materials, color, and

6224 quality of the original building construction.

6225 (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other

6226 man-made and natural objects within the area bounded by 300 North Street, Columbus Street,

6227 500 North Street, and East Capitol Boulevard, and includes:

6228 (i) the White Community Memorial Chapel and its grounds and parking areas, and the  
6229 Council Hall Travel Information Center building and its grounds and parking areas;

6230 (ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and  
6231 other state-owned property included within the area bounded by Columbus Street, North Main  
6232 Street, and Apricot Avenue;

6233 (iii) the state-owned property included within the area bounded by Columbus Street,  
6234 Wall Street, and 400 North Street; and

6235 (iv) the state-owned property included within the area bounded by Columbus Street,  
6236 West Capitol Street, and 500 North Street.

6237 (c) "Governor area" means the chambers, rooms, hallways, lounges, parking lots, and  
6238 parking garages designated by this section as being subject to governor control.

6239 (d) "House Building" means the west building on capitol hill that is located northwest  
6240 of the State Capitol and southwest of the State Office Building.

6241 (e) "Legislative area" means the buildings, chambers, rooms, hallways, lounges,  
6242 parking lots, and parking garages designated by this section as being subject to legislative  
6243 control.

6244 (f) "Senate Building" means the east building on capitol hill that is located northeast of  
6245 the State Capitol and southeast of the State Office Building.

6246 (g) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

6247 (h) "State Capitol Preservation Board" or "board" is as created in Section [63C-9-201](#).

6248 (2) The governor area on capitol hill includes:

6249 (a) in the State Capitol:

6250 (i) on the second floor: the entire floor including the stairways and elevators on the east  
6251 and west side of the second floor, except:

6252 (A) the area reserved for the attorney general and the state auditor;

6253 (B) the committee room on the northeast side which is to be controlled and scheduled  
6254 as provided in Subsection [~~36-5-1~~] [36-2a-401](#)(2)(a)(iii);

6255 (C) the conference room on the south side, east of the southeast stairway, which is to  
6256 be scheduled through the State Capitol Preservation Board;

6257 (D) the Gold Room, which is to be controlled by the governor and the Legislature and  
6258 scheduled by the governor, with the governor being given scheduling priority; and the

6259 maintenance of the Gold Room shall be by the State Capitol Preservation Board at the direction  
6260 of the governor;

6261 (E) the public restrooms;

6262 (F) the grand staircases;

6263 (G) the public stairways;

6264 (H) the public elevators;

6265 (I) the Capitol Rotunda;

6266 (J) the kitchen to the east of the dignitary protection elevator and pantry area which  
6267 kitchen is to be scheduled and maintained by the State Capitol Preservation Board, with the  
6268 governor's and Legislature's use associated with the Gold Room to be given scheduling  
6269 priority; and

6270 (K) the open areas:

6271 (I) east of the Rotunda to the doors of the Capitol Board Room;

6272 (II) south of the Rotunda to the south entrance to the State Capitol; and

6273 (III) north of the Rotunda to the north wall;

6274 (ii) on the first floor: all office areas, conference rooms, stairways, and elevators,  
6275 excluding the public corridors, public stairways, and public elevators:

6276 (A) west of the south entrance to the State Capitol on the first floor, including the  
6277 dignitary holding area and elevator, which area and elevator the Legislature may schedule  
6278 through the Utah Highway Patrol Dignitary Protection Bureau; but excluding the storage area  
6279 that is directly to the north of the dignitary holding area;

6280 (B) west of the public elevator on the north side of the first floor; and

6281 (C) the northwest pier storage area; and

6282 (iii) in the basement:

6283 (A) the audio/video control rooms on the southwest side of the State Capitol are shared  
6284 space with the Legislature as provided in Section ~~[36-5-1]~~ [36-2a-401](#);

6285 (B) all areas west of the westernmost hall and bordered by a hall on the north and a hall  
6286 on the south of the areas, including the stairs and elevator, secured parking and all entrances  
6287 and exits to the secured parking, and the Utah Highway Patrol Dignitary Protection Bureau  
6288 office space, and excluding the areas north and south of the area designated in this Subsection  
6289 (2) as the governor area;

- 6290 (b) in the Senate Building:
- 6291 (i) all office areas and conference rooms on the third floor that are south of the south  
6292 stairway; and
- 6293 (ii) the Utah Highway Patrol Dignitary Protection Bureau office space in the basement;
- 6294 (c) (i) 46 of the parking stalls in the underground parking facility known as Lot C  
6295 located directly east of the State Capitol; and
- 6296 (ii) 52 of the parking stalls in the underground parking facility known as Lot E located  
6297 directly east of the Senate Building; and
- 6298 (d) any other area designated by the State Capitol Preservation Board as the governor  
6299 area.
- 6300 (3) The governor area is reserved for the use and occupancy of the governor and  
6301 lieutenant governor and their staff, committees, and functions.
- 6302 (4) The data centers in the Senate Building and State Capitol which are associated with  
6303 the governor, lieutenant governor, or their staff space are the responsibility of the governor, and  
6304 the maintenance of these data centers shall be by the State Capitol Preservation Board at the  
6305 direction of the governor.
- 6306 (5) The governor shall exercise complete jurisdiction over the governor area, except for  
6307 the following, which are the responsibility of the State Capitol Preservation Board:
- 6308 (a) the architectural integrity of the governor area, including:
- 6309 (i) restored historic architectural or design features;
- 6310 (ii) historic color schemes, decorative finishes, and stenciling;
- 6311 (iii) decorative light fixtures; and
- 6312 (iv) flooring;
- 6313 (b) control of the central mechanical and electrical core of the Senate Building and  
6314 State Capitol on all floors;
- 6315 (c) control of the enclosure of the Senate Building and State Capitol from the exterior  
6316 of the building to the interior of the exterior wall;
- 6317 (d) the roof of the Senate Building and State Capitol;
- 6318 (e) the utility and security tunnels between the underground parking structure and the  
6319 Senate Building and State Capitol;
- 6320 (f) public restrooms of the Senate Building and State Capitol;

6321 (g) maintenance of all the elevators and stairways in the Senate Building and State  
6322 Capitol; and

6323 (h) those functions the governor delegates in writing to be performed by the State  
6324 Capitol Preservation Board.

6325 (6) The responsibility for the communications centers in the Senate Building and State  
6326 Capitol is as provided in Subsection [~~36-5-1(6)~~] 36-2a-401(6).

6327 (7) The State Capitol Preservation Board shall schedule and manage the Capitol Board  
6328 Room on the second floor of the State Capitol.

6329 (a) The governor's and lieutenant governor's use of the Capitol Board Room for  
6330 functions shall be given scheduling priority over other meetings, except as provided in  
6331 Subsection (7)(b). If the governor or lieutenant governor has need for the Capitol Board Room  
6332 that has already been scheduled by another person, the governor or lieutenant governor shall be  
6333 given the Capitol Board Room and as much notice as possible shall be given to the other  
6334 person scheduling the room so that person may seek an alternative site.

6335 (b) During a general session or special session of the Legislature or on interim  
6336 committee days designated by the Legislative Management Committee, a legislator's use of the  
6337 Capitol Board Room for functions shall be given scheduling priority over any meeting,  
6338 including the governor's or lieutenant governor's use under Subsection (7)(a). If a legislator has  
6339 need for the Capitol Board Room and it has already been scheduled by another person, the  
6340 legislator shall be given the Capitol Board Room and as much notice as possible shall be given  
6341 to the other person scheduling the room so that person may seek an alternative site.

6342 (c) When the Legislature is not in session and on non interim committee days, a  
6343 legislator's use of the Capitol Board Room for functions shall be given scheduling priority over  
6344 any meeting, other than the governor's or lieutenant governor's use under Subsection (7)(a). If  
6345 a legislator has need for the Capitol Board Room and it is not being used as provided in  
6346 Subsection (7)(a), the legislator shall be given the Capitol Board Room and as much notice as  
6347 possible shall be given to the other person scheduling the room so that person may seek an  
6348 alternative site.

6349 (d) When not being used for a governor, lieutenant governor, or legislative function,  
6350 the Capitol Board Room may be scheduled by the State Capitol Preservation Board on a  
6351 first-come, first-served basis:

- 6352 (i) by other executive or judicial branch entities; and
- 6353 (ii) by a public or private person or organization who complies with State Capitol
- 6354 Preservation Board rules for Capitol Hill Complex Facility use.

6355 Section 148. Section **67-1b-102** is amended to read:

6356 **67-1b-102. Definitions.**

6357 As used in this chapter:

6358 (1) "Board of canvassers" means the state board of canvassers created in Section  
6359 [20A-4-306](#).

6360 (2) (a) "Executive branch" means:

- 6361 (i) the governor, the governor's staff, and the governor's appointed advisors;
- 6362 (ii) the lieutenant governor and lieutenant governor's staff;
- 6363 (iii) cabinet level officials;
- 6364 (iv) except as provided in Subsection (2)(b), an agency, board, department, division,
- 6365 committee, commission, council, office, or other administrative subunit of the executive branch
- 6366 of state government;

6367 (v) except as provided in Subsection (2)(b), a cabinet officer, elected official, executive  
6368 director, or board or commission vested with:

- 6369 (A) policy making and oversight responsibility for a state executive branch agency; or
- 6370 (B) authority to appoint and remove the director of a state executive branch agency;
- 6371 (vi) executive ministerial officers;
- 6372 (vii) each gubernatorial appointee to a state board, committee, commission, council, or
- 6373 authority;

6374 (viii) each executive branch management position, as defined in Section [67-1-1.5](#);

6375 (ix) each executive branch policy position, as defined in Section [67-1-1.5](#); and

6376 (x) the military forces of the state.

6377 (b) "Executive branch" does not include:

- 6378 (i) the legislative branch;
- 6379 (ii) the judicial branch;
- 6380 (iii) the State Board of Education;
- 6381 (iv) the Utah Board of Higher Education;
- 6382 (v) institutions of higher education;

- 6383 (vi) independent entities as defined in Section [63E-1-102](#);
- 6384 (vii) elective constitutional offices of the executive department, including the state  
6385 auditor, the state treasurer, and the attorney general;
- 6386 (viii) a county, municipality, school district, local district, or special service district; or  
6387 (ix) an administrative subdivision of a county, municipality, school district, local  
6388 district, or special service district.
- 6389 (3) "Governor-elect" means, during a transition period, an individual whom the board  
6390 of canvassers determines to be the successful candidate for governor after a general election for  
6391 the office of governor, if that successful candidate is an individual other than the incumbent  
6392 governor.
- 6393 (4) "Governor-elect's staff" means:
- 6394 (a) an individual that a governor-elect intends to nominate as a department head;
- 6395 (b) an individual that a governor-elect intends to appoint to a key position in the  
6396 executive branch;
- 6397 (c) an individual hired by a governor-elect under Subsection [67-1b-105\(1\)\(c\)](#); and  
6398 (d) any other individual expressly engaged by the governor-elect to assist with the  
6399 governor-elect's transition into the office of governor.
- 6400 (5) "Governor's Office of Planning and Budget" means the office created in Section  
6401 [63J-4-201](#).
- 6402 (6) "Incoming gubernatorial administration" means a governor-elect, a governor-elect's  
6403 staff, a lieutenant governor-elect, and a lieutenant governor-elect's staff.
- 6404 (7) "Lieutenant governor-elect" means, during a transition period, an individual whom  
6405 the board of canvassers determines to be the successful candidate for lieutenant governor after  
6406 a general election for the office of lieutenant governor, if that successful candidate is an  
6407 individual other than the incumbent lieutenant governor.
- 6408 (8) "Lieutenant governor-elect's staff" means:
- 6409 (a) an individual hired by a lieutenant governor-elect under Subsection  
6410 [67-1b-105\(1\)\(c\)](#); and  
6411 (b) any other individual expressly engaged by the lieutenant governor-elect to assist  
6412 with the lieutenant governor-elect's transition into the office of lieutenant governor.
- 6413 (9) "Office of the Legislative Fiscal Analyst" means the office created in Section

6414 [~~36-12-13~~] 36-4a-201.

6415 (10) "Record" means the same as that term is defined in Section 63G-2-103.

6416 (11) "Transition period" means the period of time beginning the day after the meeting  
6417 of the board of canvassers under Section 20A-4-306 in a year in which the board of canvassers  
6418 determines that the successful candidate for governor is an individual other than the incumbent  
6419 governor, and ending on the first Monday of the next January.

6420 Section 149. Section **67-1c-101**, which is renumbered from Section 36-11-102 is  
6421 renumbered and amended to read:

6422 **CHAPTER 1c. LOBBYIST DISCLOSURE AND REGULATION ACT**

6423 **Part 1. General Provisions**

6424 [~~36-11-102~~]. **67-1c-101. Definitions.**

6425 As used in this chapter:

6426 (1) "Aggregate daily expenditures" means:

6427 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
6428 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
6429 an individual public official;

6430 (b) for an expenditure made by a member of a lobbyist group, the total of all  
6431 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
6432 of an individual public official; or

6433 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient  
6434 lobbyist within a calendar day for the benefit of an individual public official, regardless of  
6435 whether the expenditures were attributed to different clients.

6436 (2) "Approved activity" means an event, a tour, or a meeting:

6437 (a) (i) to which a legislator or another nonexecutive branch public official is invited;  
6438 and

6439 (ii) attendance at which is approved by:

6440 (A) the speaker of the House of Representatives, if the public official is a member of  
6441 the House of Representatives or another nonexecutive branch public official; or

6442 (B) the president of the Senate, if the public official is a member of the Senate or  
6443 another nonexecutive branch public official; or

6444 (b) (i) to which a public official who holds a position in the executive branch of state



- 6445 government is invited; and
- 6446 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 6447 (3) "Capitol hill complex" means the same as that term is defined in Section
- 6448 [63C-9-102](#).
- 6449 (4) (a) "Compensation" means anything of economic value, however designated, that is
- 6450 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
- 6451 services or ownership before any withholding required by federal or state law.
- 6452 (b) "Compensation" includes:
- 6453 (i) a salary or commission;
- 6454 (ii) a bonus;
- 6455 (iii) a benefit;
- 6456 (iv) a contribution to a retirement program or account;
- 6457 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
- 6458 Code, and subject to Social Security deductions, including a payment in excess of the
- 6459 maximum amount subject to deduction under Social Security law;
- 6460 (vi) an amount that the individual authorizes to be deducted or reduced for salary
- 6461 deferral or other benefits authorized by federal law; or
- 6462 (vii) income based on an individual's ownership interest.
- 6463 (5) "Compensation payor" means a person who pays compensation to a public official
- 6464 in the ordinary course of business:
- 6465 (a) because of the public official's ownership interest in the compensation payor; or
- 6466 (b) for services rendered by the public official on behalf of the compensation payor.
- 6467 (6) "Event" means entertainment, a performance, a contest, or a recreational activity
- 6468 that an individual participates in or is a spectator at, including a sporting event, an artistic
- 6469 event, a play, a movie, dancing, or singing.
- 6470 (7) "Executive action" means:
- 6471 (a) a nomination or appointment by the governor;
- 6472 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
- 6473 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 6474 (c) agency ratemaking proceedings; or
- 6475 (d) an adjudicative proceeding of a state agency.

6476 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when  
6477 given to or for the benefit of a public official unless consideration of equal or greater value is  
6478 received:

- 6479 (i) a purchase, payment, or distribution;
- 6480 (ii) a loan, gift, or advance;
- 6481 (iii) a deposit, subscription, or forbearance;
- 6482 (iv) services or goods;
- 6483 (v) money;
- 6484 (vi) real property;
- 6485 (vii) a ticket or admission to an event; or
- 6486 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
6487 any item listed in Subsections (8)(a)(i) through (vii).

6488 (b) "Expenditure" does not mean:

- 6489 (i) a commercially reasonable loan made in the ordinary course of business;
- 6490 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,  
6491 Campaign and Financial Reporting Requirements;
- 6492 (iii) printed informational material that is related to the performance of the recipient's  
6493 official duties;
- 6494 (iv) a devise or inheritance;
- 6495 (v) any item listed in Subsection (8)(a) if:
  - 6496 (A) given by a relative;
  - 6497 (B) given by a compensation payor for a purpose solely unrelated to the public  
6498 official's position as a public official;
  - 6499 (C) the item is food or beverage with a value that does not exceed the food  
6500 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
6501 the food reimbursement rate; or
  - 6502 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
6503 daily expenditures do not exceed \$10;
- 6504 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the  
6505 following are invited:
  - 6506 (A) all members of the Legislature;

- 6507 (B) all members of a standing or interim committee;
- 6508 (C) all members of an official legislative task force;
- 6509 (D) all members of a party caucus; or
- 6510 (E) all members of a group described in Subsections (8)(b)(vi)(A) through (D) who are
- 6511 attending a meeting of a national organization whose primary purpose is addressing general
- 6512 legislative policy;
- 6513 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 6514 official who is:
- 6515 (A) giving a speech at the event, tour, or meeting;
- 6516 (B) participating in a panel discussion at the event, tour, or meeting; or
- 6517 (C) presenting or receiving an award at the event, tour, or meeting;
- 6518 (viii) a plaque, commendation, or award that:
- 6519 (A) is presented in public; and
- 6520 (B) has the name of the individual receiving the plaque, commendation, or award
- 6521 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
- 6522 award;
- 6523 (ix) a gift that:
- 6524 (A) is an item that is not consumable and not perishable;
- 6525 (B) a public official accepts on behalf of the state;
- 6526 (C) the public official promptly remits to the state;
- 6527 (D) a property administrator does not reject under Section [63G-23-103](#);
- 6528 (E) does not constitute a direct benefit to the public official before or after the public
- 6529 official remits the gift to the state; and
- 6530 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
- 6531 distribute a gift or benefit to one or more public officials in a manner that would otherwise
- 6532 qualify the gift as an expenditure if the gift were given directly to a public official;
- 6533 (x) any of the following with a cash value not exceeding \$30:
- 6534 (A) a publication; or
- 6535 (B) a commemorative item;
- 6536 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
- 6537 which is:

- 6538 (A) to solicit contributions reportable under:
- 6539 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or
- 6540 (II) 2 U.S.C. Sec. 434; or
- 6541 (B) charitable solicitation, as defined in Section [13-22-2](#);
- 6542 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
- 6543 activity;
- 6544 (xiii) sponsorship of an approved activity;
- 6545 (xiv) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or
- 6546 from an event, a tour, or a meeting:
- 6547 (A) that is sponsored by a governmental entity; or
- 6548 (B) that is widely attended and related to a governmental duty of a public official; or
- 6549 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
- 6550 public official if that travel results in a financial savings to the state.
- 6551 (9) "Food reimbursement rate" means the total amount set by the director of the
- 6552 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an
- 6553 employee of the executive branch, for an entire day.
- 6554 (10) (a) "Government officer" means:
- 6555 (i) an individual elected to a position in state or local government, when acting within
- 6556 the government officer's official capacity; or
- 6557 (ii) an individual appointed to or employed in a full-time position by state or local
- 6558 government, when acting within the scope of the individual's employment.
- 6559 (b) "Government officer" does not mean a member of the legislative branch of state
- 6560 government.
- 6561 (11) "Immediate family" means:
- 6562 (a) a spouse;
- 6563 (b) a child residing in the household; or
- 6564 (c) an individual claimed as a dependent for tax purposes.
- 6565 (12) "Legislative action" means:
- 6566 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
- 6567 proposed in either house of the Legislature or its committees or requested by a legislator; and
- 6568 (b) the action of the governor in approving or vetoing legislation.

6569 (13) "Lobbying" means communicating with a public official for the purpose of  
6570 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

6571 (14) (a) "Lobbyist" means:

6572 (i) an individual who is employed by a principal; or

6573 (ii) an individual who contracts for economic consideration, other than reimbursement  
6574 for reasonable travel expenses, with a principal to lobby a public official.

6575 (b) "Lobbyist" does not include:

6576 (i) a government officer;

6577 (ii) a member or employee of the legislative branch of state government;

6578 (iii) a person, including a principal, while appearing at, or providing written comments  
6579 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
6580 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

6581 (iv) a person participating on or appearing before an advisory or study task force,  
6582 commission, board, or committee, constituted by the Legislature or any agency or department  
6583 of state government, except legislative standing, appropriation, or interim committees;

6584 (v) a representative of a political party;

6585 (vi) an individual representing a bona fide church solely for the purpose of protecting  
6586 the right to practice the religious doctrines of the church, unless the individual or church makes  
6587 an expenditure that confers a benefit on a public official;

6588 (vii) a newspaper, television station or network, radio station or network, periodical of  
6589 general circulation, or book publisher for the purpose of publishing news items, editorials,  
6590 other comments, or paid advertisements that directly or indirectly urge legislative or executive  
6591 action;

6592 (viii) an individual who appears on the individual's own behalf before a committee of  
6593 the Legislature or an agency of the executive branch of state government solely for the purpose  
6594 of testifying in support of or in opposition to legislative or executive action; or

6595 (ix) an individual representing a business, entity, or industry, who:

6596 (A) interacts with a public official, in the public official's capacity as a public official,  
6597 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
6598 interaction or while presenting at a legislative committee meeting at the same time that the  
6599 registered lobbyist is attending another legislative committee meeting; and

6600 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
6601 interaction or during the period of interaction.

6602 (15) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
6603 any combination of lobbyists, principals, and officers who each contribute a portion of an  
6604 expenditure made to benefit a public official or member of the public official's immediate  
6605 family.

6606 (16) "Meeting" means a gathering of people to discuss an issue, receive instruction, or  
6607 make a decision, including a conference, seminar, or summit.

6608 (17) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
6609 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
6610 a public official or member of the public official's immediate family between two or more of  
6611 those clients.

6612 (18) "Principal" means a person that employs an individual to perform lobbying, either  
6613 as an employee or as an independent contractor.

6614 (19) "Public official" means:

6615 (a) (i) a member of the Legislature;

6616 (ii) an individual elected to a position in the executive branch of state government; or

6617 (iii) an individual appointed to or employed in a position in the executive or legislative  
6618 branch of state government if that individual:

6619 (A) occupies a policymaking position or makes purchasing or contracting decisions;

6620 (B) drafts legislation or makes rules;

6621 (C) determines rates or fees; or

6622 (D) makes adjudicative decisions; or

6623 (b) an immediate family member of a person described in Subsection (19)(a).

6624 (20) "Public official type" means a notation to identify whether a public official is:

6625 (a) (i) a member of the Legislature;

6626 (ii) an individual elected to a position in the executive branch of state government;

6627 (iii) an individual appointed to or employed in a position in the legislative branch of  
6628 state government who meets the definition of public official under Subsection (19)(a)(iii); or

6629 (iv) an individual appointed to or employed in a position in the executive branch of  
6630 state government who meets the definition of public official under Subsection (19)(a)(iii); or

- 6631 (b) an immediate family member of a person described in Subsection (19)(a).  
6632 (21) "Quarterly reporting period" means the three-month period covered by each  
6633 financial report required under Subsection [~~36-11-201~~] 67-1c-201(2)(a).  
6634 (22) "Related person" means a person, agent, or employee who knowingly and  
6635 intentionally assists a lobbyist, principal, or government officer in lobbying.  
6636 (23) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,  
6637 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse  
6638 of any of these individuals.  
6639 (24) "Tour" means visiting a location, for a purpose relating to the duties of a public  
6640 official, and not primarily for entertainment, including:  
6641 (a) viewing a facility;  
6642 (b) viewing the sight of a natural disaster; or  
6643 (c) assessing a circumstance in relation to which a public official may need to take  
6644 action within the scope of the public official's duties.  
6645 Section 150. Section **67-1c-102**, which is renumbered from Section 36-11-103 is  
6646 renumbered and amended to read:  
6647 **[36-11-103]. 67-1c-102. Licensing requirements.**  
6648 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the  
6649 lieutenant governor by completing the form required by this section.  
6650 (b) The lieutenant governor shall issue licenses to qualified lobbyists.  
6651 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that  
6652 includes:  
6653 (i) a place for the lobbyist's name and business address;  
6654 (ii) a place for the following information for each principal for whom the lobbyist  
6655 works or is hired as an independent contractor:  
6656 (A) the principal's name;  
6657 (B) the principal's business address;  
6658 (C) the name of each public official that the principal employs and the nature of the  
6659 employment with the public official; and  
6660 (D) the general purposes, interests, and nature of the principal;  
6661 (iii) a place for the name and address of the person who paid or will pay the lobbyist's

6662 licensing fee, if the fee is not paid by the lobbyist;  
6663 (iv) a place for the lobbyist to disclose:  
6664 (A) any elected or appointed position that the lobbyist holds in state or local  
6665 government, if any; and  
6666 (B) the name of each public official that the lobbyist employs and the nature of the  
6667 employment with the public official, if any;  
6668 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist  
6669 will be reimbursed; and  
6670 (vi) a certification to be signed by the lobbyist that certifies that the information  
6671 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and  
6672 belief.  
6673 (2) Each lobbyist who obtains a license under this section shall update the licensure  
6674 information when the lobbyist accepts employment for lobbying by a new client.  
6675 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a  
6676 lobbying license to an applicant who:  
6677 (i) files an application with the lieutenant governor that contains the information  
6678 required by this section;  
6679 (ii) completes the training required by Section ~~[36-11-307]~~ [67-1c-309](#); and  
6680 (iii) pays a \$60 licensing fee.  
6681 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals  
6682 and expires on December 31 each year.  
6683 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:  
6684 (i) if the applicant has been convicted of violating Section [76-8-103](#), [76-8-107](#),  
6685 [76-8-108](#), or [76-8-303](#) within five years before the date of the lobbying license application;  
6686 (ii) if, within one year before the date of the lobbying license application, the applicant  
6687 is convicted of a violation of:  
6688 (A) Section [76-8-104](#); or  
6689 (B) Section [76-9-102](#), if the violation is a misdemeanor that occurs at an official  
6690 meeting;  
6691 (iii) during the term of any suspension imposed under Section ~~[36-11-401]~~ [67-1c-501](#);  
6692 (iv) if the applicant has not complied with Subsection ~~[36-11-307(6)]~~ [67-1c-309\(6\)](#);



6693 (v) during the term of a suspension imposed under Subsection [~~36-11-501(3)~~]  
6694 [67-1c-501\(2\)](#);

6695 (vi) if the lobbyist fails to pay a fine imposed under Subsection [~~36-11-501(3)~~]  
6696 [67-1c-401\(3\)](#);

6697 (vii) if, within one year before the date of the lobbying license application, the  
6698 applicant has been found to have willingly and knowingly:

6699 (A) violated this section or Section [~~36-11-201, 36-11-301, 36-11-302, 36-11-303,~~  
6700 ~~36-11-304, 36-11-305, or 36-11-403~~] [67-1c-201, 67-1c-301, 67-1c-302, 67-1c-303, 67-1c-304,](#)  
6701 [67-1c-306, or 67-1c-502](#); or

6702 (B) filed a document required by this chapter that the lobbyist knew contained  
6703 materially false information or omitted material information; or

6704 (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter  
6705 24, Lobbying Restrictions Act.

6706 (b) An applicant may appeal the disapproval in accordance with the procedures  
6707 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,  
6708 Administrative Procedures Act.

6709 (5) The lieutenant governor shall deposit each licensing fee into the General Fund as a  
6710 dedicated credit to be used by the lieutenant governor to pay the cost of administering the  
6711 license program described in this section.

6712 (6) A principal need not obtain a license under this section, but if the principal makes  
6713 expenditures to benefit a public official without using a lobbyist as an agent to confer those  
6714 benefits, the principal shall disclose those expenditures as required by Section [~~36-11-201~~]  
6715 [67-1c-201](#).

6716 (7) Government officers need not obtain a license under this section, but shall disclose  
6717 any expenditures made to benefit public officials as required by Section [~~36-11-201~~]  
6718 [67-1c-201](#).

6719 (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the  
6720 lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the  
6721 reports by Section [~~36-11-201~~] [67-1c-201](#).

6722 Section 151. Section **67-1c-103**, which is renumbered from Section 36-11-106 is  
6723 renumbered and amended to read:

6724 ~~[36-11-106]~~. **67-1c-103. Financial reports are public documents.**

6725 (1) Any person may:

6726 (a) without charge, inspect a license application or financial report filed with the  
6727 lieutenant governor in accordance with this chapter; and

6728 (b) make a copy of a financial report after paying for the actual costs of the copy.

6729 (2) The lieutenant governor shall make financial reports filed in accordance with this  
6730 chapter available for viewing on the Internet at the lieutenant governor's website within seven  
6731 calendar days after the day on which the report is received by the lieutenant governor.

6732 Section 152. Section **67-1c-201**, which is renumbered from Section 36-11-201 is  
6733 renumbered and amended to read:

6734 **Part 2. Disclosure of Expenditures**

6735 ~~[36-11-201]~~. **67-1c-201. Lobbyist, principal, and government officer  
6736 financial reporting requirements -- Prohibition for related person to make expenditures.**

6737 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial  
6738 reports with the lieutenant governor on or before the due dates specified in Subsection (2).

6739 (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is  
6740 not required to file a quarterly financial report for that quarterly reporting period.

6741 (iii) A lobbyist who is not required to file any quarterly reports under this section for a  
6742 calendar year shall, on or before January 10 of the following year, file a financial report listing  
6743 the amount of the expenditures for the entire preceding year as "none."

6744 (b) A government officer or principal that makes an expenditure during any of the  
6745 quarterly reporting periods under Subsection (2)(a) shall file a financial report with the  
6746 lieutenant governor on or before the date that a report for that quarter is due.

6747 (2) (a) A financial report is due quarterly on the following dates:

6748 (i) April 10, for the period of January 1 through March 31;

6749 (ii) July 10, for the period of April 1 through June 30;

6750 (iii) October 10, for the period of July 1 through September 30; and

6751 (iv) January 10, for the period of October 1 through December 31 of the previous year.

6752 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,  
6753 the report is due on the next succeeding business day.

6754 (c) A financial report is timely filed if it is filed electronically before the close of

6755 regular office hours on or before the due date.

6756 (3) A financial report shall contain:

6757 (a) the total amount of expenditures made to benefit any public official during the  
6758 quarterly reporting period;

6759 (b) the total amount of expenditures made, by the type of public official, during the  
6760 quarterly reporting period;

6761 (c) for the financial report due on January 10:

6762 (i) the total amount of expenditures made to benefit any public official during the last  
6763 calendar year; and

6764 (ii) the total amount of expenditures made, by the type of public official, during the last  
6765 calendar year;

6766 (d) a disclosure of each expenditure made during the quarterly reporting period to  
6767 reimburse or pay for travel or lodging for a public official, including:

6768 (i) each travel destination and each lodging location;

6769 (ii) the name of each public official who benefitted from the expenditure on travel or  
6770 lodging;

6771 (iii) the public official type of each public official named;

6772 (iv) for each public official named, a listing of the amount and purpose of each  
6773 expenditure made for travel or lodging; and

6774 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);

6775 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the  
6776 quarterly reporting period including:

6777 (i) the date and purpose of the expenditure;

6778 (ii) the location of the expenditure;

6779 (iii) the name of any public official benefitted by the expenditure;

6780 (iv) the type of the public official benefitted by the expenditure; and

6781 (v) the total monetary worth of the benefit that the expenditure conferred on any public  
6782 official;

6783 (f) for each public official who was employed by the lobbyist, principal, or government  
6784 officer, a list that provides:

6785 (i) the name of the public official; and

6786 (ii) the nature of the employment with the public official;  
6787 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,  
6788 principal, or government officer made an expenditure to a public official;  
6789 (h) a description of each executive action on behalf of which the lobbyist, principal, or  
6790 government officer made an expenditure to a public official;  
6791 (i) the general purposes, interests, and nature of the entities that the lobbyist, principal,  
6792 or government officer filing the report represents; and  
6793 (j) for a lobbyist, a certification that the information provided in the report is true,  
6794 accurate, and complete to the lobbyist's best knowledge and belief.  
6795 (4) A related person may not, while assisting a lobbyist, principal, or government  
6796 officer in lobbying, make an expenditure that benefits a public official under circumstances that  
6797 would otherwise fall within the disclosure requirements of this chapter if the expenditure was  
6798 made by the lobbyist, principal, or government officer.  
6799 (5) The lieutenant governor shall:  
6800 (a) (i) develop a preprinted form for a financial report required by this section; and  
6801 (ii) make copies of the form available to a lobbyist, principal, or government officer  
6802 who requests a form; and  
6803 (b) provide a reporting system that allows a lobbyist, principal, or government officer  
6804 to submit a financial report required by this chapter via the Internet.  
6805 (6) (a) A lobbyist and a principal shall continue to file a financial report required by  
6806 this section until the lobbyist or principal files a statement with the lieutenant governor that:  
6807 (i) states:  
6808 (A) for a lobbyist, that the lobbyist has ceased lobbying activities; or  
6809 (B) for a principal, that the principal no longer employs an individual as a lobbyist;  
6810 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's  
6811 license;  
6812 (iii) contains a listing, as required by this section, of all previously unreported  
6813 expenditures that have been made through the date of the statement; and  
6814 (iv) states that the lobbyist or principal will not make any additional expenditure that is  
6815 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and  
6816 licensing requirements of this chapter.

6817 (b) Except as provided in Subsection (1)(a)(ii), a person that fails to renew the  
 6818 lobbyist's license or otherwise ceases to be licensed is required to file a financial report  
 6819 quarterly until the person files the statement required by Subsection (6)(a).

6820 Section 153. Section **67-1c-301**, which is renumbered from Section 36-11-301 is  
 6821 renumbered and amended to read:

6822 **Part 3. Regulations of Lobbyists' Activities**

6823 ~~[36-11-301]~~. **67-1c-301. Contingent compensation prohibited.**

6824 A person may not employ or solicit another to serve as a lobbyist for compensation  
 6825 contingent in whole or part upon the passage, defeat, or amendment of legislative action or the  
 6826 approval, modification, or denial of a certain executive action.

6827 Section 154. Section **67-1c-302**, which is renumbered from Section 36-11-302 is  
 6828 renumbered and amended to read:

6829 ~~[36-11-302]~~. **67-1c-302. Improper influence -- Communication with a**  
 6830 **legislator's employer prohibited.**

6831 A person may not seek to influence the vote of any legislator through communication  
 6832 with the legislator's employer.

6833 Section 155. Section **67-1c-303**, which is renumbered from Section 36-11-303 is  
 6834 renumbered and amended to read:

6835 ~~[36-11-303]~~. **67-1c-303. Prohibition on communicating false information**  
 6836 **to a public officer.**

6837 A person may not intentionally communicate to a public official any false information  
 6838 materially related to a matter within the responsibility of the public official.

6839 Section 156. Section **67-1c-304**, which is renumbered from Section 36-11-304 is  
 6840 renumbered and amended to read:

6841 ~~[36-11-304]~~. **67-1c-304. Expenditures over certain amounts prohibited --**  
 6842 **Exceptions.**

6843 (1) Except as provided in Subsection (2), a lobbyist, principal, or government officer  
 6844 may not make or offer to make aggregate daily expenditures that exceed:

6845 (a) for food or beverage, the food reimbursement rate; or

6846 (b) \$10 for expenditures other than food or beverage.

6847 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures

6848 that exceed the limits described in Subsection (1):

6849 (a) for the following items, if the expenditure is reported in accordance with Section

6850 ~~[36-11-201]~~ 67-1c-201:

6851 (i) food;

6852 (ii) beverage;

6853 (iii) travel;

6854 (iv) lodging; or

6855 (v) admission to or attendance at a tour or meeting that is not an approved activity; or

6856 (b) if the expenditure is made for a purpose solely unrelated to the public official's  
6857 position as a public official.

6858 Section 157. Section **67-1c-305**, which is renumbered from Section 36-11-304.5 is  
6859 renumbered and amended to read:

6860 ~~[36-11-304.5]~~. **67-1c-305. Disposal of publications.**

6861 If a lobbyist, principal, or government officer makes an expenditure, in the form of a  
6862 publication, to a public official, the public official may return the publication to the lobbyist,  
6863 principal, or government officer, donate the publication to a charity or a government entity, or  
6864 destroy the publication.

6865 Section 158. Section **67-1c-306**, which is renumbered from Section 36-11-305 is  
6866 renumbered and amended to read:

6867 ~~[36-11-305]~~. **67-1c-306. Campaign contribution during session**  
6868 **prohibited.**

6869 (1) It is unlawful for a person, lobbyist, principal, or political committee to make a  
6870 campaign contribution, or contract, promise, or agree to make a campaign contribution, to any  
6871 of the following during the time the Legislature is convened in annual general session, veto  
6872 override session, or special session:

6873 (a) (i) a legislator;

6874 (ii) the lieutenant governor;

6875 (iii) the attorney general;

6876 (iv) the state auditor; or

6877 (v) the state treasurer;

6878 (b) the personal campaign committee of an individual described in Subsection (1)(a);

6879 or

6880 (c) a political action committee controlled by a person described in Subsection (1)(a).

6881 (2) It is unlawful for a person, lobbyist, principal, or political committee to make a  
6882 campaign contribution, or contract, promise, or agree to make a campaign contribution, to the  
6883 governor, the governor's personal campaign committee, or a political action committee  
6884 controlled by the governor during the time the Legislature is convened in annual general  
6885 session, veto override session, special session, or during the time period established by the  
6886 Utah Constitution, Article VII, Section 8, for the governor to approve or veto bills passed by  
6887 the Legislature in the annual general session.

6888 (3) Any person who violates this section is guilty of a class A misdemeanor.

6889 Section 159. Section **67-1c-307**, which is renumbered from Section 36-11-305.5 is  
6890 renumbered and amended to read:

6891 ~~[36-11-305.5]~~. **67-1c-307. Lobbyist requirements.**

6892 (1) The lieutenant governor shall issue to each lobbyist a name tag that includes:

6893 (a) the word "Lobbyist" in at least 18-point type; and

6894 (b) the first and last name of the lobbyist, in at least 18-point type.

6895 (2) Beginning on August 1, 2014, a lobbyist may not lobby a public official while the  
6896 lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in  
6897 Subsection (1) in plain view.

6898 (3) A lobbyist shall, at the beginning of making a communication to a public official  
6899 that constitutes lobbying, inform the public official of the identity of the principal on whose  
6900 behalf the lobbyist is lobbying.

6901 Section 160. Section **67-1c-308**, which is renumbered from Section 36-11-306 is  
6902 renumbered and amended to read:

6903 ~~[36-11-306]~~. **67-1c-308. Conflicts of interest.**

6904 (1) As used in this section, "conflict of interest" means a circumstance where:

6905 (a) the representation of one principal or client will be directly adverse to another  
6906 principal or client; or

6907 (b) there is a significant risk that the representation of one or more principals or clients  
6908 will be materially limited by the lobbyist's responsibilities to:

6909 (i) another principal or client; or

6910 (ii) a personal interest of the lobbyist.

6911 (2) Except as provided in Subsection (3), a lobbyist may not represent a principal or  
6912 client if the representation involves a conflict of interest.

6913 (3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a  
6914 principal or client if:

6915 (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent  
6916 and diligent representation to each principal or client;

6917 (b) the representation is not otherwise prohibited by law;

6918 (c) the representation does not require the lobbyist to assert a position on behalf of one  
6919 principal or client that is opposed to the position of another principal or client represented by  
6920 the lobbyist involving the same legislative issue; and

6921 (d) each affected principal or client gives informed consent to the conflict of interest in  
6922 writing.

6923 Section 161. Section **67-1c-309**, which is renumbered from Section 36-11-307 is  
6924 renumbered and amended to read:

6925 ~~[36-11-307]~~. **67-1c-309. Ethics and unlawful harassment training course**  
6926 **for lobbyists -- Internet availability -- Content -- Participation tracking -- Penalty.**

6927 (1) The lieutenant governor shall develop and maintain online training courses  
6928 educating lobbyists about:

6929 (a) federal workplace discrimination and harassment prohibitions and requirements;

6930 (b) the Utah Senate's, Utah House's, and the executive branch's policies governing  
6931 workplace discrimination and harassment prohibitions, policies, and procedures; and

6932 (c) state and federal requirements governing lobbyists, including lobbyist ethical  
6933 requirements.

6934 (2) A training course described in Subsection (1) shall include training materials and  
6935 exercises that are available on the Internet to lobbyists and to the public.

6936 (3) The lieutenant governor shall design the ethics training course to assist lobbyists in  
6937 understanding and complying with current ethical and campaign finance requirements under  
6938 state law, legislative rules, and federal law.

6939 (4) The lieutenant governor may enter into an agreement with the Division of Human  
6940 Resource Management to assist the lieutenant governor in providing the workplace



6941 discrimination and harassment training described in this section.

6942 (5) A training course described in this section shall include provisions for verifying  
6943 when a lobbyist has successfully completed the training.

6944 (6) (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a  
6945 lobbying license or a lobbying license renewal:

6946 (i) successfully complete the training courses described in this section; and

6947 (ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying  
6948 that the lobbyist has:

6949 (A) completed the training courses required by this section; and

6950 (B) received, read, understands, and will comply with the workplace discrimination  
6951 and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive  
6952 branch.

6953 (b) The lieutenant governor may not issue a lobbying license, or renew a lobbying  
6954 license, until the lieutenant governor has received from the lobbyist the document required by  
6955 Subsection (6)(a).

6956 (7) A signature described in Subsection [~~(6)(b)~~] (6)(a) may be an electronic signature.  
6957 Section 162. Section **67-1c-401**, which is renumbered from Section 36-11-501 is  
6958 renumbered and amended to read:

#### 6959 **Part 4. Unlawful Harassment**

6960 **[~~36-11-501~~]. 67-1c-401. Unlawful harassment -- Investigation -- Penalties.**

6961 (1) A lobbyist may not engage in conduct that violates:

6962 (a) federal workplace discrimination and harassment requirements;

6963 (b) Utah Senate or Utah House policies governing workplace discrimination or  
6964 harassment;

6965 (c) Utah executive branch policies governing workplace discrimination or harassment;

6966 or

6967 (d) any combination of Subsections (1)(a), (b), or (c).

6968 (2) (a) The lieutenant governor may take an action described in Subsection (3) against  
6969 a lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an opportunity to  
6970 be heard, that the lobbyist engaged in a serious violation, or multiple violations, of this section.

6971 (b) The lieutenant governor shall post on the lieutenant governor's website a copy of

6972 the Utah Senate's harassment policy, the Utah House's harassment policy, and the executive  
6973 branch's harassment policies.

6974 (3) If the lieutenant governor makes a finding described in Subsection (2)(a), the  
6975 lieutenant governor may, taking into account the seriousness of the violation or the seriousness  
6976 or frequency of multiple violations, do either or both of the following:

6977 (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or

6978 (b) suspend the lobbyist's license for a period of up to five years.

6979 (4) A record that relates to an investigation under this section is a protected record, to  
6980 the extent permitted by Title 63G, Chapter 2, Government Records Access and Management  
6981 Act.

6982 (5) (a) A lobbyist who is a victim of workplace discrimination or harassment by an  
6983 executive worker may file a complaint under the state executive branch's applicable workplace  
6984 discrimination and harassment policy.

6985 (b) A lobbyist who is a victim of workplace discrimination or harassment by a  
6986 legislative worker may file a complaint under the Utah Senate's workplace discrimination and  
6987 harassment policy or the Utah House's workplace discrimination and harassment policy.

6988 Section 163. Section **67-1c-501**, which is renumbered from Section 36-11-401 is  
6989 renumbered and amended to read:

6990 **Part 5. Penalties and Statutory Construction**

6991 ~~[36-11-401].~~ **67-1c-501. Penalties.**

6992 (1) Any person who intentionally violates Section [~~36-11-103, 36-11-201, 36-11-301,~~  
6993 ~~36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403;~~] 67-1c-102, 67-1c-201,  
6994 67-1c-301, 67-1c-302, 67-1c-303, 67-1c-304, 67-1c-306, or 67-1c-502 is subject to the  
6995 following penalties:

6996 (a) an administrative penalty of up to \$1,000 for each violation; and

6997 (b) for each subsequent violation of that same section within 24 months, either:

6998 (i) an administrative penalty of up to \$5,000; or

6999 (ii) suspension of the violator's lobbying license for up to one year, if the person is a  
7000 lobbyist.

7001 (2) Any person who intentionally fails to file a financial report required by this chapter,  
7002 omits material information from a license application form or financial report, or files false

7003 information on a license application form or financial report, is subject to the following  
7004 penalties:

7005 (a) an administrative penalty of up to \$1,000 for each violation; or

7006 (b) suspension of the violator's lobbying license for up to one year, if the person is a  
7007 lobbyist.

7008 (3) Any person who intentionally fails to file a financial report required by this chapter  
7009 on the date that it is due shall, in addition to the penalties, if any, imposed under Subsection (1)  
7010 or (2), pay a penalty of up to \$50 per day for each day that the report is late.

7011 (4) (a) When a lobbyist is convicted of violating Section [76-8-103](#), [76-8-107](#), [76-8-108](#),  
7012 or [76-8-303](#), the lieutenant governor shall suspend the lobbyist's license for up to five years  
7013 from the date of the conviction.

7014 (b) When a lobbyist is convicted of violating Section [76-8-104](#), or Section [76-9-102](#) if  
7015 the violation is a misdemeanor that occurs at an official meeting, the lieutenant governor shall  
7016 suspend a lobbyist's license for up to one year from the date of conviction.

7017 (5) (a) Any person who intentionally violates Section [~~[36-11-301](#)~~, ~~[36-11-302](#)~~, or  
7018 ~~[36-11-303](#)~~ [67-1c-301](#), [67-1c-302](#), or [67-1c-303](#) is guilty of a class B misdemeanor.

7019 (b) The lieutenant governor shall suspend the lobbyist license of any person convicted  
7020 under any of these sections for up to one year.

7021 (c) The suspension shall be in addition to any administrative penalties imposed by the  
7022 lieutenant governor under this section.

7023 (d) Any person with evidence of a possible violation of this chapter may submit that  
7024 evidence to the lieutenant governor for investigation and resolution.

7025 (6) Nothing in this chapter creates a third-party cause of action or appeal rights.

7026 Section 164. Section **67-1c-502**, which is renumbered from Section 36-11-403 is  
7027 renumbered and amended to read:

7028 ~~**[36-11-403].**~~ **67-1c-502. Lobbying without a license.**

7029 (1) No person may engage in any lobbying activities:

7030 (a) without the license required by this chapter;

7031 (b) during the period of any bar from obtaining a license; or

7032 (c) when the license has been suspended or revoked.

7033 (2) The attorney general may seek injunctive relief against any person violating this

7034 section.

7035 Section 165. Section **67-1c-503**, which is renumbered from Section 36-11-404 is  
7036 renumbered and amended to read:

7037 ~~[36-11-404]~~. **67-1c-503. Lieutenant governor's procedures.**

7038 (1) Except as otherwise provided under Section ~~[36-11-501]~~ [67-1c-401](#), the director of  
7039 elections within the Office of the Lieutenant Governor shall make rules that provide:

7040 (a) for the appointment of an administrative law judge to adjudicate alleged violations  
7041 of this chapter and to impose penalties under this chapter; and

7042 (b) procedures for license applications, disapprovals, suspensions, revocations, and  
7043 reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4,  
7044 Administrative Procedures Act.

7045 (2) The lieutenant governor shall develop forms needed for the registration and  
7046 disclosure provisions described in this chapter.

7047 Section 166. Section **67-1c-504**, which is renumbered from Section 36-11-405 is  
7048 renumbered and amended to read:

7049 ~~[36-11-405]~~. **67-1c-504. Construction and interpretation -- Freedom of**  
7050 **expression, participation, and press.**

7051 No provision of this chapter may be construed, interpreted, or enforced so as to limit,  
7052 impair, abridge, or destroy any person's right of freedom of expression and participation in  
7053 government processes or freedom of the press.

7054 Section 167. Section **76-8-503** is amended to read:

7055 **76-8-503. False or inconsistent statements.**

7056 (1) Except as provided in Subsection (2), a person is guilty of a class B misdemeanor  
7057 if:

7058 (a) the person makes a false statement under oath or affirmation or swears or affirms  
7059 the truth of the statement previously made and the person does not believe the statement to be  
7060 true if:

7061 (i) the falsification occurs in an official proceeding, or is made with a purpose to  
7062 mislead a public servant in performing the public servant's official functions; or

7063 (ii) the statement is one that is authorized by law to be sworn or affirmed before a  
7064 notary or other person authorized to administer oaths; or

7065 (b) the person makes inconsistent statements under oath or affirmation, both within the  
7066 period of limitations, one of which is false and not believed by the person to be true.

7067 (2) Subsection (1) does not include obstructing a legislative proceeding, as described in  
7068 Section ~~[36-12-9.5]~~ [36-2a-108](#).

7069 (3) A person is not guilty under this section if the person retracts the falsification  
7070 before it becomes manifest that the falsification has been or will be exposed.

7071 Section 168. **Repealer.**

7072 This bill repeals:

7073 Section [36-2-1](#), **Legislative in-session employees.**

7074 Section [36-2-2](#), **Salaries and expenses of members -- Compensation of in-session  
7075 employees.**

7076 Section [36-11-101](#), **Short title.**

7077 Section [36-11a-101](#), **Title.**

7078 Section [36-12-2](#), **Standing committees.**

7079 Section [36-12-4](#), **Interim committees of two houses -- Meeting jointly -- Joint rules  
7080 -- Majority vote.**

7081 Section [36-12-5](#), **Duties of interim committees.**

7082 Section [36-12-8.1](#), **Legislative Management Committee -- Subcommittee on  
7083 Oversight -- Members -- Duties -- Meetings.**

7084 Section [36-12-12](#), **Office of Legislative Research and General Counsel --  
7085 Established -- Powers, functions, and duties -- Organization of office -- Selection of  
7086 director and general counsel.**

7087 Section [36-12-16](#), **Legislative directors -- Authority to obtain assistance.**

7088 Section [36-12-18](#), **Offices for Legislative Management Committee and professional  
7089 legislative staff -- Hours -- Library facilities available -- Documents, reports, and  
7090 information available.**

7091 Section [36-12-22](#), **Reports from legislative boards -- Annual reports -- Preparation  
7092 of legislation.**

7093 Section [36-13-1](#), **Distribution of legislative publications by Legislature.**

7094 Section [36-21-1](#), **Definition -- Deadline for state governmental entities filing  
7095 legislation -- Waiver.**

- 7096 Section **36-23-101**, Title.
- 7097 Section **36-27-101**, Title.
- 7098 Section **36-28-101**, Title.
- 7099 Section **36-29-101**, Title.
- 7100 Section **36-32-101**, Title.