

1                    **DEPARTMENT OF GOVERNMENT OPERATIONS**

2    2022 GENERAL SESSION

3    STATE OF UTAH

4    **Chief Sponsor: Ann Millner**

5    House Sponsor: Val L. Peterson

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7 **LONG TITLE**

8 **General Description:**

9                    This bill amends provisions relating to the Department of Government Operations.

10 **Highlighted Provisions:**

11                    This bill:

12                    ▶ permits the Data Security Management Council to hold a closed meeting to conduct  
13 business relating to information technology security;

14                    ▶ modifies provisions relating to rulemaking authority;

15                    ▶ clarifies provisions relating to the setting of rates and fees;

16                    ▶ clarifies provisions relating to risk management;

17                    ▶ modifies provisions relating to the duties of the Division of Archives and Records  
18 Services;

19                    ▶ modifies provisions relating to the duties of the Division of Technology Services;

20                    ▶ provides that the Department of Government Operations and the divisions within  
21 the department present reports to the Legislature through the Government

22 Operations Interim Committee;

23                    ▶ clarifies a provision relating to career service employment status;

24                    ▶ classifies as private a record relating to drug or alcohol testing of a state employee;  
25 and

26                    ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28                    None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **26-6-27**, as last amended by Laws of Utah 2021, Chapter 345

34 **26-6-32**, as last amended by Laws of Utah 2021, Chapter 345

35 **52-4-204**, as last amended by Laws of Utah 2021, Chapter 217

36 **63A-1-105.5**, as last amended by Laws of Utah 2020, Chapter 408

37 **63A-1-109**, as last amended by Laws of Utah 2021, Chapter 344

38 **63A-1-114**, as last amended by Laws of Utah 2021, Chapters 344 and 382

39 **63A-2-103**, as last amended by Laws of Utah 2019, Chapter 488

40 **63A-2-401**, as repealed and reenacted by Laws of Utah 2019, Chapter 488

41 **63A-3-201**, as last amended by Laws of Utah 2018, Chapter 427

42 **63A-3-203**, as last amended by Laws of Utah 2017, Chapter 56

43 **63A-3-310**, as last amended by Laws of Utah 2020, Chapter 297

44 **63A-4-101.5**, as last amended by Laws of Utah 2021, Chapter 344 and renumbered and  
45 amended by Laws of Utah 2021, Chapter 33

46 **63A-4-102**, as last amended by Laws of Utah 2021, Chapter 33

47 **63A-4-201**, as last amended by Laws of Utah 2021, Chapter 33

48 **63A-5b-203**, as enacted by Laws of Utah 2020, Chapter 152

49 **63A-5b-303**, as enacted by Laws of Utah 2020, Chapter 152

50 **63A-5b-606**, as enacted by Laws of Utah 2020, Chapter 152

51 **63A-5b-607**, as last amended by Laws of Utah 2020, Chapter 32 and renumbered and  
52 amended by Laws of Utah 2020, Chapter 152 and last amended by Coordination  
53 Clause, Laws of Utah 2020, Chapter 152

54 **63A-5b-903**, as renumbered and amended by Laws of Utah 2020, Chapter 152

55 **63A-9-401**, as last amended by Laws of Utah 2021, Chapter 344

56 **63A-9-501**, as last amended by Laws of Utah 2021, Chapter 344

57 **63A-12-101**, as last amended by Laws of Utah 2021, Chapters 84 and 344

- 58           **63A-12-104**, as last amended by Laws of Utah 2021, Chapter 344
- 59           **63A-16-102**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 60           **63A-16-104**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and
- 61 amended by Laws of Utah 2021, Chapter 344
- 62           **63A-16-105**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 63           **63A-16-201**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 64           **63A-16-202**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 65           **63A-16-203**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 66           **63A-16-205**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 67           **63A-16-208**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 68           **63A-16-211**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 69           **63A-16-301**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 70           **63A-16-501**, as last amended by Laws of Utah 2021, Chapter 162 and renumbered and
- 71 amended by Laws of Utah 2021, Chapter 344
- 72           **63A-16-504**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 73           **63A-16-505**, as last amended by Laws of Utah 2021, Chapter 162 and renumbered and
- 74 amended by Laws of Utah 2021, Chapter 344
- 75           **63A-16-701**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 76           **63A-16-702**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 77           **63A-16-804**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 78           **63A-16-903**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 79           **63A-17-106**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 80           **63A-17-107**, as enacted by Laws of Utah 2021, Chapter 344
- 81           **63A-17-110**, as enacted by Laws of Utah 2021, Chapter 158
- 82           **63A-17-202**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and
- 83 amended by Laws of Utah 2021, Chapter 344
- 84           **63A-17-304**, as renumbered and amended by Laws of Utah 2021, Chapter 344
- 85           **63A-17-306**, as renumbered and amended by Laws of Utah 2021, Chapter 344

86 **63A-17-307**, as renumbered and amended by Laws of Utah 2021, Chapter 344

87 **63A-17-806**, as renumbered and amended by Laws of Utah 2021, Chapter 344

88 **63A-17-1004**, as renumbered and amended by Laws of Utah 2021, Chapter 344

89 **63G-2-302**, as last amended by Laws of Utah 2021, Chapters 100, 100, 143, 143, 367,

90 and 367

91 **63I-5-201 (Superseded 07/01/22)**, as last amended by Laws of Utah 2021, Chapter 184

92 **63I-5-201 (Effective 07/01/22)**, as last amended by Laws of Utah 2021, Second Special

93 Session, Chapter 1

94 **67-3-12**, as last amended by Laws of Utah 2021, Chapter 398 and renumbered and

95 amended by Laws of Utah 2021, Chapter 84 and last amended by Coordination

96 Clause, Laws of Utah 2021, Chapter 398

97 **67-19a-101**, as last amended by Laws of Utah 2021, Chapter 344

98 ENACTS:

99 **67-27-101**, Utah Code Annotated 1953

100 RENUMBERS AND AMENDS:

101 **67-27-102**, (Renumbered from 63A-17-901, as renumbered and amended by Laws of

102 Utah 2021, Chapter 344)

103 **67-27-103**, (Renumbered from 63A-17-902, as last amended by Laws of Utah 2021,

104 Chapter 262 and renumbered and amended by Laws of Utah 2021, Chapter 344)

105 **67-27-104**, (Renumbered from 63A-17-903, as renumbered and amended by Laws of

106 Utah 2021, Chapter 344)

107 REPEALS:

108 **63A-16-106**, as renumbered and amended by Laws of Utah 2021, Chapter 344

109 **63A-16-212**, as renumbered and amended by Laws of Utah 2021, Chapter 344

110 **63A-16-213**, as renumbered and amended by Laws of Utah 2021, Chapter 344

111 **63A-16-401**, as renumbered and amended by Laws of Utah 2021, Chapter 344

112 **63A-16-402**, as renumbered and amended by Laws of Utah 2021, Chapter 344

113 **63A-16-403**, as renumbered and amended by Laws of Utah 2021, Chapter 344

114 [63A-16-502](#), as renumbered and amended by Laws of Utah 2021, Chapter 344

115 [63A-16-503](#), as renumbered and amended by Laws of Utah 2021, Chapter 344

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

118 Section 1. Section **26-6-27** is amended to read:

119 **26-6-27. Information regarding communicable or reportable diseases**  
120 **confidentiality -- Exceptions.**

121 (1) Information collected pursuant to this chapter in the possession of the department  
122 or local health departments relating to an individual who has or is suspected of having a disease  
123 designated by the department as a communicable or reportable disease under this chapter shall  
124 be held by the department and local health departments as strictly confidential. The department  
125 and local health departments may not release or make public that information upon subpoena,  
126 search warrant, discovery proceedings, or otherwise, except as provided by this section.

127 (2) The information described in Subsection (1) may be released by the department or  
128 local health departments only in accordance with the requirements of this chapter and as  
129 follows:

130 (a) specific medical or epidemiological information may be released with the written  
131 consent of the individual identified in that information or, if that individual is deceased, his  
132 next-of-kin;

133 (b) specific medical or epidemiological information may be released to medical  
134 personnel or peace officers in a medical emergency, as determined by the department in  
135 accordance with guidelines it has established, only to the extent necessary to protect the health  
136 or life of the individual identified in the information, or of the attending medical personnel or  
137 law enforcement or public safety officers;

138 (c) specific medical or epidemiological information may be released to authorized  
139 personnel within the department, local health departments, public health authorities, official  
140 health agencies in other states, the United States Public Health Service, the Centers for Disease  
141 Control and Prevention (CDC), or when necessary to continue patient services or to undertake

142 public health efforts to interrupt the transmission of disease;

143 (d) if the individual identified in the information is under the age of 18, the information  
144 may be released to the Division of Child and Family Services within the Department of Human  
145 Services in accordance with Section 62A-4a-403. If that information is required in a court  
146 proceeding involving child abuse or sexual abuse under Title 76, Chapter 5, Offenses Against  
147 the Person, the information shall be disclosed in camera and sealed by the court upon  
148 conclusion of the proceedings;

149 (e) specific medical or epidemiological information may be released to authorized  
150 personnel in the department or in local health departments, and to the courts, to carry out the  
151 provisions of this title, and rules adopted by the department in accordance with this title;

152 (f) specific medical or epidemiological information may be released to blood banks,  
153 organ and tissue banks, and similar institutions for the purpose of identifying individuals with  
154 communicable diseases. The department may, by rule, designate the diseases about which  
155 information may be disclosed under this subsection, and may choose to release the name of an  
156 infected individual to those organizations without disclosing the specific disease;

157 (g) specific medical or epidemiological information may be released in such a way that  
158 no individual is identifiable;

159 (h) specific medical or epidemiological information may be released to a "health care  
160 provider" as defined in Section 78B-3-403, health care personnel, and public health personnel  
161 who have a legitimate need to have access to the information in order to assist the patient, or to  
162 protect the health of others closely associated with the patient;

163 (i) specific medical or epidemiological information regarding a health care provider, as  
164 defined in Section 78B-3-403, may be released to the department, the appropriate local health  
165 department, and the Division of Occupational and Professional Licensing within the  
166 Department of Commerce, if the identified health care provider is endangering the safety or life  
167 of any individual by his continued practice of health care;

168 (j) specific medical or epidemiological information may be released in accordance with  
169 Section 26-6-31 if an individual is not identifiable; and

170 (k) specific medical or epidemiological information may be released to a state agency  
171 as defined in Section [~~63A-17-901~~] 67-27-102, to perform the analysis described in Subsection  
172 26-6-32(4) if the state agency agrees to act in accordance with the requirements in this chapter.

173 (3) The provisions of Subsection (2)(h) do not create a duty to warn third parties, but is  
174 intended only to aid health care providers in their treatment and containment of infectious  
175 disease.

176 Section 2. Section **26-6-32** is amended to read:

177 **26-6-32. Testing for COVID-19 for high-risk individuals at care facilities --**  
178 **Collection and release of information regarding risk factors and comorbidities for**  
179 **COVID-19.**

180 (1) As used in this section:

181 (a) "Care facility" means a facility described in Subsections 26-6-6(2) through (6).

182 (b) "COVID-19" means the same as that term is defined in Section 78B-4-517.

183 (2) (a) At the request of the department or a local health department, an individual who  
184 meets the criteria established by the department under Subsection (2)(b) shall submit to testing  
185 for COVID-19.

186 (b) The department:

187 (i) shall establish protocols to identify and test individuals who are present at a care  
188 facility and are at high risk for contracting COVID-19;

189 (ii) may establish criteria to identify care facilities where individuals are at high risk for  
190 COVID-19; and

191 (iii) may establish who is responsible for the costs of the testing.

192 (c) (i) The protocols described in Subsection (2)(b)(i) shall:

193 (A) notwithstanding Subsection (2)(a), permit an individual who is a resident of a care  
194 facility to refuse testing; and

195 (B) specify criteria for when an individual's refusal to submit to testing under  
196 Subsection (2)(c)(i)(A) endangers the health or safety of other individuals at the care facility.

197 (ii) Notwithstanding any other provision of state law, a care facility may discharge a

198 resident who declines testing requested by the department under Subsection (2)(a) if:

199 (A) under the criteria specified by the department under Subsection (2)(c)(i)(B), the  
200 resident's refusal to submit to testing endangers the health or safety of other individuals at the  
201 care facility; and

202 (B) discharging the resident does not violate federal law.

203 (3) The department may establish protocols to collect information regarding the  
204 individual's age and relevant comorbidities from an individual who receives a positive test  
205 result for COVID-19.

206 (4) (a) The department shall publish deidentified information regarding comorbidities  
207 and other risk factors for COVID-19 in a manner that is accessible to the public.

208 (b) The department may work with a state agency as defined in Section [~~63A-17-901~~  
209 [67-27-102](#)], to perform the analysis or publish the information described in Subsection (4)(a).

210 Section 3. Section **52-4-204** is amended to read:

211 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
212 **meeting recorded.**

213 (1) A closed meeting may be held if:

214 (a) (i) a quorum is present;

215 (ii) the meeting is an open meeting for which notice has been given under Section  
216 [52-4-202](#); and

217 (iii) (A) two-thirds of the members of the public body present at the open meeting vote  
218 to approve closing the meeting;

219 (B) for a meeting that is required to be closed under Section [52-4-205](#), if a majority of  
220 the members of the public body present at an open meeting vote to approve closing the  
221 meeting;

222 (C) for an ethics committee of the Legislature that is conducting an open meeting for  
223 the purpose of reviewing an ethics complaint, a majority of the members present vote to  
224 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
225 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the

226 complaint; or

227 (D) for the Political Subdivisions Ethics Review Commission established in Section  
228 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics  
229 complaint in accordance with Section 63A-15-701, a majority of the members present vote to  
230 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
231 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
232 complaint; or

233 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is  
234 convened for the purpose of conducting business relating to the receipt or review of an ethics  
235 complaint, ~~[provided that]~~ if public notice of the closed meeting is given under Section  
236 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the  
237 purpose of "conducting business relating to the receipt or review of ethics complaints";

238 (ii) for the Political Subdivisions Ethics Review Commission established in Section  
239 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to  
240 the preliminary review of an ethics complaint in accordance with Section 63A-15-602,  
241 ~~[provided that]~~ if public notice of the closed meeting is given under Section 52-4-202, with the  
242 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting  
243 business relating to the review of ethics complaints"; ~~[or]~~

244 (iii) for the Independent Executive Branch Ethics Commission created in Section  
245 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to  
246 an ethics complaint, ~~[provided that]~~ if public notice of the closed meeting is given under  
247 Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for  
248 the purpose of "conducting business relating to an ethics complaint[-]"; or

249 (iv) for the Data Security Management Council created in Section 63A-16-701, the  
250 closed meeting is convened in accordance with Subsection 63A-16-701(7), if public notice of  
251 the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating  
252 that the meeting will be closed for the purpose of "conducting business relating to information  
253 technology security."

254 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting  
255 is permitted under Section 52-4-205.

256 (3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be  
257 approved at a closed meeting.

258 (b) (i) A public body may not take a vote in a closed meeting, except for a vote on a  
259 motion to end the closed portion of the meeting and return to an open meeting.

260 (ii) A motion to end the closed portion of a meeting may be approved by a majority of  
261 the public body members present at the meeting.

262 (4) The following information shall be publicly announced and entered on the minutes  
263 of the open meeting at which the closed meeting was approved:

264 (a) the reason or reasons for holding the closed meeting;

265 (b) the location where the closed meeting will be held; and

266 (c) the vote by name, of each member of the public body, either for or against the  
267 motion to hold the closed meeting.

268 (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be  
269 construed to require any meeting to be closed to the public.

270 Section 4. Section 63A-1-105.5 is amended to read:

271 **63A-1-105.5. Rulemaking authority of executive director.**

272 The executive director ~~[shall]~~ may, upon the recommendation of the appropriate  
273 division directors or the director of the Office of Administrative Rules, make rules consistent  
274 with state and federal law, and in accordance with Title 63G, Chapter 3, Utah Administrative  
275 Rulemaking Act, governing:

276 (1) ~~[administrative]~~ services of the department; and

277 (2) the provision and use of ~~[administrative]~~ services furnished to state agencies and  
278 institutions.

279 Section 5. Section 63A-1-109 is amended to read:

280 **63A-1-109. Divisions of department -- Administration.**

281 (1) The department is composed of:

- 282 (a) the following divisions:
- 283 (i) the Division of Purchasing and General Services, created in Section 63A-2-101;
- 284 (ii) the Division of Finance, created in Section 63A-3-101;
- 285 (iii) the Division of Facilities Construction and Management, created in Section
- 286 63A-5b-301;
- 287 (iv) the Division of Fleet Operations, created in Section 63A-9-201;
- 288 (v) the Division of Archives and Records Service, created in Section 63A-12-101;
- 289 (vi) the Division of Technology Services, created in Section 63A-16-103;
- 290 (vii) the Division of Human Resource Management, created in Section 63A-17-105;
- 291 and
- 292 (viii) the Division of Risk Management, created in Section 63A-16-201; and
- 293 (b) the [Utah] Office of Administrative Rules, created in Section 63G-3-401.
- 294 (2) Each division described in Subsection (1)(a) shall be administered and managed by
- 295 a division director.

296 Section 6. Section 63A-1-114 is amended to read:

297 **63A-1-114. Rate committee -- Membership -- Duties.**

- 298 (1) (a) There is created a rate committee consisting of the executive directors,
- 299 commissioners, or superintendents of seven state agencies, which may include the State Board
- 300 of Education, that use services and pay rates to one of the department internal service funds, or
- 301 their designee, that the governor appoints for a two-year term.
- 302 (b) The department may not have a representative on the rate committee.
- 303 (c) (i) The committee shall elect a chair from the committee's members.
- 304 (ii) Members of the committee who are state government employees and who do not
- 305 receive salary, per diem, or expenses from their agency for their service on the committee shall
- 306 receive no compensation, benefits, per diem, or expenses for the members' service on the
- 307 committee.
- 308 (d) The department shall provide staff services to the committee.
- 309 (2) (a) A division described in Section 63A-1-109 that manages an internal service

310 fund shall submit to the committee a proposed rate [~~and fee~~] schedule for services rendered by  
311 the division to an executive branch entity or an entity that subscribes to services rendered by  
312 the division.

313 (b) The committee shall:

314 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings  
315 Act;

316 (ii) meet at least once each calendar year to:

317 (A) discuss the service performance of each internal service fund;

318 (B) review the proposed rate [~~and fee~~] schedules;

319 (C) at the rate committee's discretion, approve, increase, or decrease the rate [~~and fee~~]  
320 schedules described in Subsection (2)(b)(ii)(B); and

321 (D) discuss any prior or potential adjustments to the service level received by state  
322 agencies that pay rates to an internal service fund;

323 (iii) recommend a proposed rate [~~and fee~~] schedule for each internal service fund to:

324 (A) the Governor's Office of Planning and Budget; and

325 (B) each legislative appropriations subcommittee that, in accordance with Section  
326 63J-1-410, approves the internal service fund agency's rates[~~, fees,~~] and budget; and

327 (iv) review and approve, increase, or decrease an interim rate[~~, fee, or amount~~] when an  
328 internal service fund agency begins a new service or introduces a new product between annual  
329 general sessions of the Legislature.

330 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate[~~,  
331 fee, or amount~~] that has been approved by the Legislature.

332 Section 7. Section 63A-2-103 is amended to read:

333 **63A-2-103. Duties and authority of purchasing director -- Subscribing to mailing**  
334 **system and electronic central store -- Rate schedule.**

335 (1) The purchasing director:

336 (a) shall operate, manage, and maintain:

337 (i) a central mailing service; and

338 (ii) an electronic central store system for procuring goods and services;  
339 (b) shall, except when a state surplus property contractor administers the surplus  
340 property program, operate, manage, and maintain the surplus property program;  
341 (c) shall, when a state surplus property contractor administers the surplus property  
342 program, oversee the state surplus property contractor's administration of the surplus property  
343 program in accordance with Part 4, Surplus Property Services; and  
344 (d) may establish microfilming, duplicating, printing, addressograph, and other central  
345 services.

346 (2) (a) Each state agency shall subscribe to all of the services described in Subsection  
347 (1)(a), unless the director delegates the director's authority to a state agency under Section  
348 [63A-2-104](#).

349 (b) An institution of higher education, the State Board of Education, a school district,  
350 or a political subdivision of the state may subscribe to one or more of the services described in  
351 Subsection (1)(a).

352 (3) (a) The purchasing director shall:

353 (i) prescribe a schedule of [~~fees~~] rates to be charged for all services provided by the  
354 division after the purchasing director:

355 (A) submits the proposed [~~rate, fees, or other amounts~~] rates for services provided by  
356 the division's internal service fund to the Rate Committee established in Section [63A-1-114](#);  
357 and

358 (B) obtains the approval of the Legislature, as required by Section [~~63J-1-504~~]  
359 [63J-1-410](#);

360 (ii) ensure that the [~~fees~~] rates are approximately equal to the cost of providing the  
361 services; and

362 (iii) annually conduct a market analysis of [~~fees~~] rates.

363 (b) A market analysis under Subsection (3)(a)(iii) shall include a comparison of the  
364 division's rates with the [~~fees~~] rates of other public or private sector providers if comparable  
365 services and rates are reasonably available.

366 Section 8. Section **63A-2-401** is amended to read:

367 **63A-2-401. State agencies required to participate in surplus property program --**  
368 **Declaring property to be state surplus property -- Division authority.**

369 (1) Except as otherwise provided in this part, a state agency shall dispose of and  
370 acquire state surplus property by participating in the surplus property program.

371 (2) A state agency may declare property that the state agency owns to be state surplus  
372 property by making a written determination that the property is state surplus property.

373 (3) The division shall determine the appropriate method for disposing of state surplus  
374 property.

375 (4) The division may:

376 (a) establish facilities to store state surplus property at locations throughout the state;  
377 and

378 (b) after consultation with the state agency requesting the sale of state surplus property,  
379 establish the selling price for the state surplus property.

380 (5) As provided in Title 63J, Chapter 1, Budgetary Procedures Act, the division may  
381 transfer proceeds generated by the sale of state surplus property to the state agency requesting  
382 the sale, reduced by a [~~fee~~] rate approved in accordance with Subsection **63A-2-103**(3) to pay  
383 the division's costs of administering the surplus property program.

384 (6) By following the procedures and requirements of Title 63G, Chapter 3, Utah  
385 Administrative Rulemaking Act, the division may make rules establishing a surplus property  
386 program that meets the requirements of this chapter.

387 Section 9. Section **63A-3-201** is amended to read:

388 **63A-3-201. Appointment of accounting and other officers and employees by**  
389 **director of the Division of Finance -- Delegation of powers and duties by director --**  
390 **Background checks.**

391 (1) With the approval of the executive director, the director of the Division of Finance  
392 shall appoint an accounting officer and other administrative officers that are necessary to  
393 efficiently and economically perform the functions of the Division of Finance.

- 394 (2) The director of the Division of Finance may:
- 395 (a) organize the division and employ other assistants to discharge the functions of the
- 396 division;
- 397 (b) delegate to assistants, officers, and employees any of the powers and duties of the
- 398 office subject to his or her control and subject to any conditions he may prescribe; and
- 399 (c) delegate the powers and duties of the office only by written order filed with the
- 400 lieutenant governor.
- 401 (3) (a) As used in this Subsection (3):
- 402 (i) "Public employee" means a person employed by a state agency.
- 403 (ii) "Public funds" means money, funds, and accounts, regardless of the source from
- 404 which the money, funds, and accounts are derived, that are owned, held, or administered by a
- 405 state agency.
- 406 (iii) "Public funds position" means employment with a state agency that requires:
- 407 (A) physical or electronic access to public funds;
- 408 (B) performing internal control functions or accounting;
- 409 (C) creating reports on public funds; or
- 410 (D) using, operating, or accessing state systems that account for or help account for
- 411 public funds.
- 412 (iv) "State agency" means:
- 413 (A) an executive branch agency; or
- 414 (B) a state educational institution with the exception of an institution defined in
- 415 Subsection [53B-1-102\(1\)](#).
- 416 (b) The Division of Finance may require that a public employee who applies for or
- 417 holds a public funds position:
- 418 (i) submit a fingerprint card in a form acceptable to the division;
- 419 (ii) consent to a criminal background check by:
- 420 (A) the Federal Bureau of Investigation;
- 421 (B) the Utah Bureau of Criminal Identification; or

422 (C) another agency of any state that performs criminal background checks; or  
423 (iii) consent to a credit history report, subject to the requirements of the Fair Credit  
424 Reporting Act, 15 U.S.C. Sec. 1681 et seq.

425 (c) The Bureau of Criminal Identification shall provide all the results from the state,  
426 regional, and nationwide criminal history background checks to the division.

427 (d) The Division of Finance may, in accordance with Title 63G, Chapter 3, Utah  
428 Administrative Rulemaking Act, [~~adopt~~] make rules to implement this section.

429 Section 10. Section **63A-3-203** is amended to read:

430 **63A-3-203. Accounting control over state departments and agencies --**  
431 **Prescription and approval of financial forms and accounting systems.**

432 (1) The director of the Division of Finance shall:

433 (a) exercise accounting control over all state departments and agencies except  
434 institutions of higher education; and

435 (b) prescribe the manner and method of certifying that funds are available and adequate  
436 to meet all contracts and obligations.

437 (2) The director shall audit all claims against the state for which an appropriation [~~has~~  
438 ~~been~~] is made.

439 (3) (a) The director shall prescribe:

440 (i) all forms of requisitions, receipts, vouchers, bills, or claims to be used by all state  
441 departments and agencies; and

442 (ii) all forms to be used by the division.

443 (b) Before approving the forms in Subsection (3)(a), the director shall obtain approval  
444 from the state auditor that the forms will adequately facilitate the post-audit of public accounts.

445 (4) Before implementation by any state agency, the director of the Division of Finance  
446 shall review and approve any accounting system developed by a state agency.

447 Section 11. Section **63A-3-310** is amended to read:

448 **63A-3-310. Rules for implementing part.**

449 The division may [~~adopt~~] make rules, in accordance with Title 63G, Chapter 3, Utah

450 Administrative Rulemaking Act, for the implementation of this part, including rules for the  
451 conduct of hearings, injured spouse claims, and appointment of hearing examiners.

452 Section 12. Section **63A-4-101.5** is amended to read:

453 **63A-4-101.5. Risk manager -- Appointment -- Duties.**

454 (1) (a) There is created within the department the Division of Risk Management.

455 (b) The executive director shall, with the approval of the governor, appoint a risk  
456 manager as the division director, who shall be qualified by education and experience in the  
457 management of general property and casualty insurance.

458 (2) The risk manager shall:

459 (a) except as provided in Subsection (4), acquire and administer the following  
460 purchased by the state or any captive insurance company created by the risk manager:

461 (i) all property and casualty insurance;

462 (ii) reinsurance of property and casualty insurance; and

463 (iii) subject to Section [34A-2-203](#), workers' compensation insurance;

464 [~~(b) recommend that the executive director make rules;~~]

465 (b) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
466 Rulemaking Act:

467 (i) prescribing reasonable and objective underwriting and risk control standards for:

468 (A) all covered entities of the Risk Management Fund; and

469 (B) any captive insurance company created by the risk manager;

470 (ii) prescribing the risks to be covered by the Risk Management Fund and the extent to  
471 which these risks will be covered;

472 (iii) prescribing the properties, risks, deductibles, and amount limits eligible for  
473 payment out of the Risk Management Fund;

474 (iv) prescribing procedures for making claims and proof of loss; and

475 (v) establishing procedures for the resolution of disputes relating to coverage or claims,  
476 which may include binding arbitration;

477 (c) implement a risk management and loss prevention program for covered entities for

478 the purpose of reducing risks, accidents, and losses to assist covered entities in fulfilling their  
479 responsibilities for risk control and safety;

480 (d) coordinate and cooperate with any covered entity having responsibility to manage  
481 and protect state properties, including:

482 (i) the state fire marshal;

483 (ii) the director of the Division of Facilities Construction and Management;

484 (iii) the Department of Public Safety;

485 (iv) institutions of higher education;

486 (v) school districts; and

487 (vi) charter schools;

488 (e) maintain records necessary to fulfill the requirements of this section;

489 (f) manage the Risk Management Fund and any captive insurance company created by  
490 the risk manager in accordance with economically and actuarially sound principles to produce  
491 adequate reserves for the payment of contingencies, including unpaid and unreported claims,  
492 and may purchase any insurance or reinsurance considered necessary to accomplish this  
493 objective; and

494 (g) inform the covered entity's governing body and the governor when any covered  
495 entity fails or refuses to comply with reasonable risk control recommendations made by the risk  
496 manager.

497 (3) Before the effective date of any rule, the risk manager shall provide a copy of the  
498 rule to each covered entity affected by it.

499 (4) The risk manager may not use a captive insurance company created by the risk  
500 manager to purchase:

501 (a) workers' compensation insurance;

502 (b) health insurance; or

503 (c) life insurance.

504 Section 13. Section **63A-4-102** is amended to read:

505 **63A-4-102. Risk manager -- Powers.**

- 506 (1) The risk manager may:
- 507 (a) enter into contracts;
- 508 (b) form one or more captive insurance companies authorized under Title 31A, Chapter
- 509 37, Captive Insurance Companies Act;
- 510 (c) purchase insurance or reinsurance;
- 511 (d) adjust, settle, and pay claims;
- 512 (e) pay expenses and costs;
- 513 (f) study the risks of all covered entities and properties;
- 514 (g) issue certificates of coverage or insurance for covered entities with respect to any
- 515 risks covered by the Risk Management Fund or any captive insurance company created by the
- 516 risk manager;
- 517 (h) make recommendations about risk management and risk reduction strategies to
- 518 covered entities;
- 519 (i) in consultation with the attorney general, prescribe insurance, indemnification, and
- 520 liability provisions to be included in all state contracts;
- 521 (j) review covered entity building construction, major remodeling plans, [agency]
- 522 program plans, and make recommendations to the [agency] covered entity about needed
- 523 changes to address risk considerations;
- 524 (k) attend [agency] covered entity planning and management meetings when necessary;
- 525 (l) review any proposed legislation and communicate with legislators and legislative
- 526 committees about the liability or risk management issues connected with any legislation; and
- 527 (m) solicit any needed information about ~~[agency plans, agency programs, or agency]~~
- 528 covered entity plans, programs, or risks necessary to perform the risk manager's responsibilities
- 529 under this part.
- 530 (2) (a) The risk manager may expend money from the Risk Management Fund to
- 531 procure and provide coverage to all covered entities and their indemnified employees, except
- 532 those entities or employees specifically exempted by statute.
- 533 (b) The risk manager shall apportion the costs of that coverage according to the

534 requirements of this part.

535 (3) Before charging a rate, fee, or other amount to an executive branch agency, or to a  
536 subscriber of services other than an executive branch agency, the director shall:

537 (a) submit the proposed rates, fees, or other amount and cost analysis to the Rate  
538 Committee established in Section [63A-1-114](#); and

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

540 (4) The director shall conduct a market analysis by July 1, 2005, and periodically  
541 thereafter, of proposed rates and ~~[fees]~~ premiums, which analysis shall include a comparison of  
542 the division's rates and ~~[fees with the fees]~~ premiums with the rates and premiums of other  
543 public or private sector providers where comparable services and rates are reasonably available.

544 Section 14. Section **63A-4-201** is amended to read:

545 **63A-4-201. Risk Management Fund created -- Administration -- Use.**

546 (1) (a) There is created the Risk Management Fund, which shall be administered by the  
547 risk manager.

548 (b) The fund shall cover property, liability, fidelity, and other risks as determined by  
549 the risk manager in consultation with the executive director.

550 (2) The risk manager may only use the Risk Management Fund to pay:

551 (a) insurance or reinsurance premiums;

552 (b) costs of administering the Risk Management Fund and any captive insurance  
553 companies created by the risk manager;

554 (c) loss adjustment expenses;

555 (d) risk control and related educational and training expenses; and

556 (e) loss costs which at the time of loss were eligible for payment under rules

557 ~~[previously issued by the executive director under the authority of Section [63A-4-101.5](#)]~~ made  
558 by the risk manager in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

559 Act.

560 (3) In addition to any money appropriated to the Risk Management Fund by the  
561 Legislature, the risk manager shall deposit with the state treasurer for credit to the Risk

562 Management Fund:

563 (a) any insured loss or loss expenses paid by insurance or reinsurance companies;

564 (b) the gross amount of all premiums and surcharges received under Section

565 63A-4-202;

566 (c) the net refunds from cancelled insurance policies necessary to self-insure previously  
567 insured risks, with the balance of the proceeds to be refunded to the previously insured entities;

568 (d) all refunds, returns, or dividends from insurance carriers not specifically covered in  
569 Subsections (3)(a), (b), and (c);

570 (e) savings from amounts otherwise appropriated for participation in the fund; and

571 (f) all net proceeds from sale of salvage and subrogation recoveries from adverse  
572 parties related to losses paid out of the fund.

573 (4) The state treasurer shall invest the Risk Management Fund in accordance with  
574 Section 63A-4-208 and deposit all interest or other income earned from investments into the  
575 Risk Management Fund.

576 Section 15. Section 63A-5b-203 is amended to read:

577 **63A-5b-203. Meetings of state building board -- Rules of procedure -- Quorum.**

578 (1) The board shall meet quarterly and at other times at the call of the executive  
579 director or at the request of the board chair.

580 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
581 board shall [~~adopt~~] make rules of procedure for the conduct of the board's meetings.

582 (3) Four members of the board constitute a quorum for the transaction of business.

583 (4) The board shall conduct all meetings of the board in accordance with Title 52,  
584 Chapter 4, Open and Public Meetings Act.

585 Section 16. Section 63A-5b-303 is amended to read:

586 **63A-5b-303. Duties and authority of division.**

587 (1) (a) The division shall:

588 (i) subject to Subsection (1)(b), supervise and control the allocation of space, in  
589 accordance with legislative directive through annual appropriations acts, other legislation, or

590 statute, to agencies in all buildings or space owned, leased, or rented by or to the state, except  
591 as provided in Subsection (3) or as otherwise provided by statute;

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

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

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

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

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

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

606 (vii) implement the state building energy efficiency program under Section  
607 [63A-5b-1002](#);

608 (viii) convey, lease, or dispose of the real property, water rights, or water shares  
609 associated with the Utah State Developmental Center if directed to do so by the Utah State  
610 Developmental Center board, as provided in Subsection [62A-5-206.6\(2\)](#); and

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

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

615 (c) The division may, without legislative approval, acquire title to real property for use  
616 by the state or an agency if the acquisition cost does not exceed \$250,000.

617 (2) The division may:

618 (a) sue and be sued;  
619 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or  
620 otherwise, and hold real or personal property necessary for the discharge of the division's  
621 duties; and

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

623 (3) (a) The division may not supervise or control the allocation of space for an  
624 institution of higher education or an entity in the public education system.

625 (b) The supervision and control of the legislative area is reserved to the Legislature.

626 (c) The supervision and control of the trial courts area is reserved to the judiciary.

627 (d) The supervision and control of capitol hill facilities and capitol hill grounds is  
628 reserved to the State Capitol Preservation Board.

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

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

634 (b) obtain the approval of the Legislature as required by Section [63J-1-410](#) or  
635 [63J-1-504](#).

636 Section 17. Section **63A-5b-606** is amended to read:

637 **63A-5b-606. Dispute resolution process -- Penalties for fraud or bad faith claim.**

638 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
639 director shall [~~adopt~~] make rules for the division establishing a process for resolving disputes  
640 involved with contracts under the division's procurement authority.

641 (2) The director shall consider, and the rules may include:

642 (a) requirements regarding preliminary resolution efforts between the parties directly  
643 involved with the dispute;

644 (b) requirements for the filing of a claim, including notification, time frames, and  
645 documentation;

646 (c) identification of the types of costs eligible for allocation and a method for allocating  
647 costs among the parties to the dispute;

648 (d) a required time period, not to exceed 60 days, for the resolution of the claim;

649 (e) a provision for an independent hearing officer, panel, or arbitrator to extend the  
650 time period for resolution of the claim by not to exceed 60 additional days for good cause;

651 (f) a provision for the extension of required time periods if the claimant agrees;

652 (g) requirements that decisions be issued in writing;

653 (h) provisions for an administrative appeal of a decision;

654 (i) provisions for the timely payment of claims after resolution of the dispute, including  
655 any appeals;

656 (j) a requirement that the final determination resulting from the dispute resolution  
657 process provided for in the rules is a final agency action subject to judicial review as provided  
658 in Sections [63G-4-401](#) and [63G-4-402](#);

659 (k) a requirement that a claim or dispute that does not include a monetary claim against  
660 the division or an agent of the division is not limited to the dispute resolution process provided  
661 for in this section;

662 (l) requirements for claims and disputes to be eligible for the dispute resolution process  
663 under this section;

664 (m) the use of an independent hearing officer or panel or the use of arbitration or  
665 mediation; and

666 (n) the circumstances under which a subcontractor may file a claim directly with the  
667 division.

668 (3) A person pursuing a claim under the process established as provided in this section:

669 (a) is bound by the decision reached under this process, subject to any modification of  
670 the decision on appeal; and

671 (b) may not pursue a claim, protest, or dispute under the dispute resolution process  
672 established in Title 63G, Chapter 6a, Utah Procurement Code.

673 (4) A fraudulent misrepresentation made by or bad faith claim pursued by a contractor,

674 subcontractor, or supplier, may be grounds for:

- 675 (a) the director to suspend or debar the contractor, subcontractor, or supplier; or
- 676 (b) the contractor, subcontractor, or supplier to be disciplined by the Division of
- 677 Professional and Occupational Licensing.

678 Section 18. Section **63A-5b-607** is amended to read:

679 **63A-5b-607. Health insurance requirements -- Penalties.**

680 (1) As used in this section:

681 (a) "Aggregate amount" means the dollar sum of all contracts, change orders, and

682 modifications for a single project.

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

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

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

686 (ii) meets the employer eligibility waiting period for qualified health insurance

687 coverage provided by the employer.

688 (d) "Health benefit plan" means:

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

690 (ii) an employee welfare benefit plan:

691 (A) established under the Employee Retirement Income Security Act of 1974, 29

692 U.S.C. Sec. 1001 et seq.;

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

694 (C) in which the employer establishes a self-funded or partially self-funded group

695 health plan to provide medical care for the employer's employees and dependents of the

696 employees.

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

698 Section [26-40-115](#).

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

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

701 defined in Section [31A-1-301](#).

- 702 (2) Except as provided in Subsection (3), the requirements of this section apply to:
- 703 (a) a contractor of a design or construction contract with the division if the prime
- 704 contract is in an aggregate amount of \$2,000,000 or more; and
- 705 (b) a subcontractor of a contractor of a design or construction contract with the division
- 706 if the subcontract is in an aggregate amount of \$1,000,000 or more.
- 707 (3) The requirements of this section do not apply to a contractor or subcontractor if:
- 708 (a) the application of this section jeopardizes the division's receipt of federal funds;
- 709 (b) the contract is a sole source contract, as defined in Section [63G-6a-103](#); or
- 710 (c) the contract is the result of an emergency procurement.
- 711 (4) A person who intentionally uses a change order, contract modification, or multiple
- 712 contracts to circumvent the requirements of this section is guilty of an infraction.
- 713 (5) (a) A contractor that is subject to the requirements of this section shall:
- 714 (i) make and maintain an offer of qualified health coverage for the contractor's eligible
- 715 employees and the eligible employees' dependents; and
- 716 (ii) submit to the director a written statement demonstrating that the contractor is in
- 717 compliance with Subsection (5)(a)(i).
- 718 (b) A statement under Subsection (5)(a)(ii):
- 719 (i) shall be from:
- 720 (A) an actuary selected by the contractor or the contractor's insurer;
- 721 (B) an underwriter who is responsible for developing the employer group's premium
- 722 rates; or
- 723 (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii),
- 724 an actuary or underwriter selected by a third party administrator; and
- 725 (ii) may not be created more than one year before the day on which the contractor
- 726 submits the statement to the director.
- 727 (c) (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii)
- 728 shall provide the actuary or underwriter selected by an administrator, as described in
- 729 Subsection (5)(b)(i)(C), sufficient information to determine whether the contractor's

730 contribution to the health benefit plan and the actuarial value of the health benefit plan meet the  
731 requirements of qualified health coverage.

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

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

737 (B) the division.

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

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

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

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

747 (i) shall be from:

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

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

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

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

755 (7) (a) (i) A contractor that fails to maintain an offer of qualified health coverage  
756 during the duration of the contract as required in this section is subject to penalties in  
757 accordance with administrative rules [~~adopted~~] made by the division under this section, in

758 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

761 (b) (i) A subcontractor that fails to obtain and maintain an offer of qualified health  
762 coverage during the duration of the subcontract as required in this section is subject to penalties  
763 in accordance with administrative rules [~~adopted~~] made by the division under this section, in  
764 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

767 (8) The division shall [~~adopt administrative~~] make rules:

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

769 (b) in coordination with:

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

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

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

773 (iv) the State Capitol Preservation Board in accordance with Section 63C-9-403;

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

775 (vi) the Legislature's Administrative Rules Review Committee; and

776 (c) that establish:

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

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

781 (B) a provision that a contractor that is subject to the requirements of this section  
782 obtain a written statement as provided in Subsection (5); and

783 (C) a provision that a subcontractor that is subject to the requirements of this section  
784 obtain a written statement as provided in Subsection (6);

785 (ii) the penalties that may be imposed if a contractor or subcontractor intentionally

786 violates the provisions of this section, which may include:

787 (A) a three-month suspension of the contractor or subcontractor from entering into a  
788 future contract with the state upon the first violation;

789 (B) a six-month suspension of the contractor or subcontractor from entering into a  
790 future contract with the state upon the second violation;

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

793 (D) monetary penalties which may not exceed 50% of the amount necessary to  
794 purchase qualified health coverage for eligible employees and dependents of eligible  
795 employees of the contractor or subcontractor who were not offered qualified health coverage  
796 during the duration of the contract; and

797 (iii) a website for the department to post the commercially equivalent benchmark for  
798 the qualified health coverage that is provided by the Department of Health in accordance with  
799 Subsection [26-40-115\(2\)](#).

800 (9) During the duration of a contract, the division may perform an audit to verify a  
801 contractor or subcontractor's compliance with this section.

802 (10) (a) Upon the division's request, a contractor or subcontractor shall provide the  
803 division:

804 (i) a signed actuarial certification that the coverage the contractor or subcontractor  
805 offers is qualified health coverage; or

806 (ii) all relevant documents and information necessary for the division to determine  
807 compliance with this section.

808 (b) If a contractor or subcontractor provides the documents and information described  
809 in Subsection (10)(a)(i), the Insurance Department shall assist the division in determining if the  
810 coverage the contractor or subcontractor offers is qualified health coverage.

811 (11) (a) (i) In addition to the penalties imposed under Subsection (7), a contractor or  
812 subcontractor that intentionally violates the provisions of this section is liable to an eligible  
813 employee for health care costs that would have been covered by qualified health coverage.

814 (ii) An employer has an affirmative defense to a cause of action under Subsection  
815 (11)(a)(i) if:

816 (A) the employer relied in good faith on a written statement described in Subsection (5)  
817 or (6); or

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

820 (b) An eligible employee has a private right of action against the employee's employer  
821 only as provided in this Subsection (11).

822 (12) The director shall cause money collected from the imposition and collection of a  
823 penalty under this section to be deposited into the Medicaid Restricted Account created by  
824 Section [26-18-402](#).

825 (13) The failure of a contractor or subcontractor to provide qualified health coverage as  
826 required by this section:

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

829 (i) Section [63G-6a-1602](#); or  
830 (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

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

834 (14) An employer's waiting period for an employee to become eligible for qualified  
835 health coverage may not extend beyond the first day of the calendar month following 60 days  
836 after the day on which the employee is hired.

837 (15) An administrator, including an administrator's actuary or underwriter, who  
838 provides a written statement under Subsection (5)(a) or (c) regarding the qualified health  
839 coverage of a contractor or subcontractor who provides a health benefit plan described in  
840 Subsection (1)(d)(ii):

841 (a) subject to Subsection (11)(b), is not liable for an error in the written statement,

842 unless the administrator commits gross negligence in preparing the written statement;

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

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

847 Section 19. Section **63A-5b-903** is amended to read:

848 **63A-5b-903. Rules made by the division.**

849 The division may, in accordance with Title 63G, Chapter 3, Utah Administrative  
850 Rulemaking Act, make rules [to] that:

851 (1) establish criteria that a written proposal is required to satisfy in order to be a  
852 qualified proposal, including, if applicable, a minimum acceptable purchase price; and

853 (2) define criteria that the director will consider in making a determination whether a  
854 proposed use or occupancy, transfer of ownership, or lease of vacant division-owned property  
855 provides a material benefit to the state.

856 Section 20. Section **63A-9-401** is amended to read:

857 **63A-9-401. Division -- Duties.**

858 (1) The division shall:

859 (a) perform all administrative duties and functions related to management of state  
860 vehicles;

861 (b) coordinate all purchases of state vehicles;

862 (c) establish one or more fleet automation and information systems for state vehicles;

863 (d) make rules establishing requirements for:

864 (i) maintenance operations for state vehicles;

865 (ii) use requirements for state vehicles;

866 (iii) fleet safety and loss prevention programs;

867 (iv) preventative maintenance programs;

868 (v) procurement of state vehicles, including:

869 (A) vehicle standards;

- 870 (B) alternative fuel vehicle requirements;
- 871 (C) short-term lease programs;
- 872 (D) equipment installation; and
- 873 (E) warranty recovery programs;
- 874 (vi) fuel management programs;
- 875 (vii) cost management programs;
- 876 (viii) business and personal use practices, including commute standards;
- 877 (ix) cost recovery and billing procedures;
- 878 (x) disposal of state vehicles;
- 879 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
- 880 (xii) standard use and rate structures for state vehicles; and
- 881 (xiii) insurance and risk management requirements;
- 882 (e) establish a parts inventory;
- 883 (f) create and administer a fuel dispensing services program that meets the
- 884 requirements of Subsection (2);
- 885 (g) emphasize customer service when dealing with agencies and agency employees;
- 886 (h) conduct an annual audit of all state vehicles for compliance with division
- 887 requirements;
- 888 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
- 889 subscriber of services other than an executive branch agency:
- 890 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
- 891 in Section [63A-1-114](#); and
- 892 (ii) obtain the approval of the Legislature as required by Section [63J-1-410](#) or
- 893 [63J-1-504](#); and
- 894 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
- 895 include a comparison of the division's rates and fees with the fees of other public or private
- 896 sector providers where comparable services and rates are reasonably available.
- 897 (2) The division shall operate a fuel dispensing services program in a manner that:

- 898 (a) reduces the risk of environmental damage and subsequent liability for leaks  
899 involving state-owned underground storage tanks;
- 900 (b) eliminates fuel site duplication and reduces overall costs associated with fuel  
901 dispensing;
- 902 (c) provides efficient fuel management and efficient and accurate accounting of  
903 fuel-related expenses;
- 904 (d) where practicable, privatizes portions of the state's fuel dispensing system;
- 905 (e) provides central planning for fuel contingencies;
- 906 (f) establishes fuel dispensing sites that meet geographical distribution needs and that  
907 reflect usage patterns;
- 908 (g) where practicable, uses alternative sources of energy; and
- 909 (h) provides safe, accessible fuel supplies in an emergency.
- 910 (3) The division shall:
- 911 (a) ensure that the state and each of its agencies comply with state and federal law and  
912 state and federal rules and regulations governing underground storage tanks;
- 913 (b) coordinate the installation of new state-owned underground storage tanks and the  
914 upgrading or retrofitting of existing underground storage tanks;
- 915 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for  
916 a rebate, provided under Subsection 19-6-410.5(5)(d), of a portion of the environmental  
917 assurance fee described in Subsection 19-6-410.5(4), if the underground storage tank is owned  
918 by:
- 919 (i) the state;
- 920 (ii) a state agency; or
- 921 (iii) a county, municipality, school district, local district, special service district, or  
922 federal agency that has subscribed to the fuel dispensing service provided by the division under  
923 Subsection (6)(b);
- 924 (d) report to the Natural Resources, Agriculture, and Environmental Quality  
925 Appropriations Subcommittee by no later than:

926 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and  
927 (ii) November 30, 2024, on whether:  
928 (A) the requirements of Subsection (3)(c) have been met; and  
929 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);  
930 and  
931 (e) ensure that counties, municipalities, school districts, local districts, and special  
932 service districts subscribing to services provided by the division sign a contract that:  
933 (i) establishes the duties and responsibilities of the parties;  
934 (ii) establishes the cost for the services; and  
935 (iii) defines the liability of the parties.  
936 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to  
937 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and  
938 (ii).  
939 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
940 the director of the Division of Fleet Operations:  
941 (i) may make rules governing fuel dispensing; and  
942 (ii) shall make rules establishing standards and procedures for purchasing the most  
943 economically appropriate size and type of vehicle for the purposes and driving conditions for  
944 which the vehicle will be used, including procedures for granting exceptions to the standards  
945 by the executive director of the Department of Government Operations.  
946 (b) Rules made under Subsection (5)(a)(ii):  
947 (i) shall designate a standard vehicle size and type that shall be designated as the  
948 statewide standard vehicle for fleet expansion and vehicle replacement;  
949 (ii) may designate different standard vehicle size and types based on defined categories  
950 of vehicle use;  
951 (iii) may, when determining a standard vehicle size and type for a specific category of  
952 vehicle use, consider the following factors affecting the vehicle class:  
953 (A) size requirements;

- 954 (B) economic savings;
- 955 (C) fuel efficiency;
- 956 (D) driving and use requirements;
- 957 (E) safety;
- 958 (F) maintenance requirements;
- 959 (G) resale value; and
- 960 (H) the requirements of Section 63A-9-403; and
- 961 (iv) shall require agencies that request a vehicle size and type that is different from the
- 962 standard vehicle size and type to:
  - 963 (A) submit a written request for a nonstandard vehicle to the division that contains the
  - 964 following:
    - 965 (I) the make and model of the vehicle requested, including acceptable alternate vehicle
    - 966 makes and models as applicable;
    - 967 (II) the reasons justifying the need for a nonstandard vehicle size or type;
    - 968 (III) the date of the request; and
    - 969 (IV) the name and signature of the person making the request; and
  - 970 (B) obtain the division's written approval for the nonstandard vehicle.
- 971 (6) (a) (i) Each state agency and each higher education institution shall subscribe to the
- 972 fuel dispensing services provided by the division.
- 973 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
- 974 systems, or products other than those provided by the division.
- 975 (b) Counties, municipalities, school districts, local districts, special service districts,
- 976 and federal agencies may subscribe to the fuel dispensing services provided by the division if:
  - 977 (i) the county or municipal legislative body, the school district, or the local district or
  - 978 special service district board recommends that the county, municipality, school district, local
  - 979 district, or special service district subscribe to the fuel dispensing services of the division; and
  - 980 (ii) the division approves participation in the program by that government unit.
- 981 (7) The director, with the approval of the executive director, may delegate functions to

982 institutions of higher education, by contract or other means authorized by law, if:

- 983 (a) the agency or institution of higher education has requested the authority;
- 984 (b) in the judgment of the director, the state agency or institution has the necessary
- 985 resources and skills to perform the delegated responsibilities; and
- 986 (c) the delegation of authority is in the best interest of the state and the function
- 987 delegated is accomplished according to provisions contained in law or rule.

988 Section 21. Section **63A-9-501** is amended to read:

989 **63A-9-501. Complaints about misuse or illegal operation of state vehicles --**  
990 **Disposition.**

991 (1) The division shall refer complaints from the public about misuse or illegal  
992 operation of state vehicles to the agency that is the owner or lessor of the vehicle.

993 (2) Each agency head or ~~[his]~~ the agency head's designee shall investigate all  
994 complaints about misuse or illegal operation of state vehicles and shall discipline each  
995 employee that is found to have misused or illegally operated a vehicle by following the  
996 procedures ~~[set forth]~~ described in the rules ~~[adopted]~~ made by the Division of Human  
997 Resource Management, in accordance with Title 63G, Chapter 3, Utah Administrative  
998 Rulemaking Act, as authorized by Section [63A-17-306](#).

999 (3) (a) Each agency shall report the findings of each investigation conducted as well as  
1000 any action taken as a result of the investigation to the directors of the Divisions of Fleet  
1001 Operations and Risk Management.

1002 (b) Misuse or illegal operation of state vehicles may result in suspension or revocation  
1003 of state vehicle driving privileges as governed in rule.

1004 Section 22. Section **63A-12-101** is amended to read:

1005 **63A-12-101. Division of Archives and Records Service created -- Duties.**

1006 (1) There is created the Division of Archives and Records Service within the  
1007 department.

1008 (2) The state archives shall:

1009 (a) administer the state's archives and records management programs, including storage

- 1010 of records, central [~~microphotography~~] reformatting programs, and quality control;
- 1011 (b) apply fair, efficient, and economical management methods to the collection,
- 1012 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and
- 1013 documents;
- 1014 (c) establish standards, procedures, and techniques for the effective management and
- 1015 physical care of records;
- 1016 (d) conduct surveys of office operations and recommend improvements in current
- 1017 records management practices, including the use of space, equipment, automation, and supplies
- 1018 used in creating, maintaining, storing, and servicing records;
- 1019 (e) establish standards for the preparation of schedules providing for the retention of
- 1020 records of continuing value and for the prompt and orderly disposal of state records no longer
- 1021 possessing sufficient administrative, historical, legal, or fiscal value to warrant further
- 1022 retention;
- 1023 (f) establish, maintain, and operate centralized [~~microphotography~~] reformatting lab
- 1024 facilities and quality control for the state;
- 1025 (g) provide staff and support services to the Records Management Committee created
- 1026 in Section [63A-12-112](#) and the State Records Committee created in Section [63G-2-501](#);
- 1027 (h) develop training programs to assist records officers and other interested officers and
- 1028 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,
- 1029 Government Records Access and Management Act;
- 1030 (i) provide access to public records deposited in the archives;
- 1031 (j) administer and maintain the Utah Public Notice Website established under Section
- 1032 [63A-16-601](#);
- 1033 (k) provide assistance to any governmental entity in administering this chapter and
- 1034 Title 63G, Chapter 2, Government Records Access and Management Act;
- 1035 (l) prepare forms for use by all governmental entities for a person requesting access to
- 1036 a record; and
- 1037 (m) if the department operates the Division of Archives and Records Service as an

1038 internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate  
1039 Committee established in Section 63A-1-114:

- 1040 (i) the proposed rate [~~and fee~~] schedule as required by Section 63A-1-114; and
- 1041 (ii) other information or analysis requested by the Rate Committee.
- 1042 (3) The state archives may:
  - 1043 (a) establish a report and directives management program; and
  - 1044 (b) establish a forms management program.
- 1045 (4) The executive director may direct the state archives to administer other functions or  
1046 services consistent with this chapter and Title 63G, Chapter 2, Government Records Access  
1047 and Management Act.

1048 Section 23. Section 63A-12-104 is amended to read:

1049 **63A-12-104. Rulemaking authority.**

1050 (1) The [~~executive director of the department, with the recommendation of the~~] state  
1051 archivist, may make rules [~~as provided by~~], in accordance with Title 63G, Chapter 3, Utah  
1052 Administrative Rulemaking Act, to implement provisions of this chapter and Title 63G,  
1053 Chapter 2, Government Records Access and Management Act, dealing with procedures for the  
1054 collection, storage, designation, classification, access, mediation for records access, and  
1055 management of records.

1056 (2) A governmental entity that includes divisions, boards, departments, committees,  
1057 commissions, or other subparts that fall within the definition of a governmental entity under  
1058 this chapter, may, by rule, specify at which level the requirements specified in this chapter shall  
1059 be undertaken.

1060 Section 24. Section 63A-16-102 is amended to read:

1061 **63A-16-102. Definitions.**

1062 As used in this chapter:

1063 (1) "Chief information officer" means the chief information officer appointed under  
1064 Section 63A-16-201.

1065 (2) "Data center" means a centralized repository for the storage, management, and

- 1066 dissemination of data.
- 1067 (3) "Division" means the Division of Technology Services.
- 1068 (4) "Enterprise architecture" means:
- 1069 (a) information technology assets and functions that can be applied across state
- 1070 government~~[; and]~~, including:
- 1071 (i) mainframes, servers, desktop devices, peripherals, and other computing devices;
- 1072 (ii) networks;
- 1073 (iii) enterprise-wide applications;
- 1074 (iv) maintenance and help desk functions for common hardware and applications;
- 1075 (v) standards for other computing devices, operating systems, common applications,
- 1076 and software; and
- 1077 (vi) master contracts that are available for use by agencies for various systems,
- 1078 including operating systems, databases, enterprise resource planning and customer relationship
- 1079 management software, application development services, and enterprise integration; and
- 1080 (b) support for information technology that can be applied across state government,
- 1081 including:
- 1082 (i) technical support;
- 1083 (ii) master software licenses; and
- 1084 (iii) hardware and software standards.
- 1085 (5) (a) "Executive branch agency" means an agency or administrative subunit of state
- 1086 government.
- 1087 (b) "Executive branch agency" does not include:
- 1088 (i) the legislative branch;
- 1089 (ii) the judicial branch;
- 1090 (iii) the State Board of Education;
- 1091 (iv) the Utah Board of Higher Education;
- 1092 (v) institutions of higher education;
- 1093 (vi) independent entities as defined in Section [63E-1-102](#); or

1094 (vii) the following elective constitutional offices of the executive department:

1095 (A) the state auditor;

1096 (B) the state treasurer; and

1097 (C) the attorney general.

1098 (6) "Executive branch strategic plan" means the executive branch strategic plan created  
1099 under Section [63A-16-202](#).

1100 (7) "Individual with a disability" means an individual with a condition that meets the  
1101 definition of "disability" in 42 U.S.C. Sec. 12102.

1102 (8) "Information technology" means all computerized and auxiliary automated  
1103 information handling, including:

1104 (a) systems design and analysis;

1105 (b) acquisition, storage, and conversion of data;

1106 (c) computer programming;

1107 (d) information storage and retrieval;

1108 (e) voice, video, and data communications;

1109 (f) requisite systems controls;

1110 (g) simulation; and

1111 (h) all related interactions between people and machines.

1112 (9) "State information architecture" means a logically consistent set of principles,  
1113 policies, and standards that guide the engineering of state government's information technology  
1114 and infrastructure in a way that ensures alignment with state government's business and service  
1115 needs.

1116 Section 25. Section **63A-16-104** is amended to read:

1117 **63A-16-104. Duties of division.**

1118 The division shall:

1119 (1) lead state executive branch agency efforts to establish and reengineer the state's  
1120 information technology architecture with the goal of coordinating central and individual agency  
1121 information technology in a manner that:

- 1122 (a) ensures compliance with the executive branch agency strategic plan; and
- 1123 (b) ensures that cost-effective, efficient information and communication systems and
- 1124 resources are being used by agencies to:
  - 1125 (i) reduce data, hardware, and software redundancy;
  - 1126 (ii) improve system interoperability and data accessibility between agencies; and
  - 1127 (iii) meet the agency's and user's business and service needs;
- 1128 (2) coordinate an executive branch strategic plan for all agencies;
- 1129 (3) develop and implement processes to replicate information technology best practices
- 1130 and standards throughout the executive branch;
- 1131 (4) at least once every odd-numbered year:
  - 1132 (a) evaluate the adequacy of the division's and the executive branch agencies' data and
  - 1133 information technology system security standards through an independent third party
  - 1134 assessment; and
  - 1135 (b) communicate the results of the independent third party assessment to the
  - 1136 appropriate executive branch agencies and to the president of the Senate and the speaker of the
  - 1137 House of Representatives;
  - 1138 (5) oversee the expanded use and implementation of project and contract management
  - 1139 principles as they relate to information technology projects within the executive branch;
  - 1140 (6) serve as general contractor between the state's information technology users and
  - 1141 private sector providers of information technology products and services;
  - 1142 (7) work toward building stronger partnering relationships with providers;
  - 1143 (8) develop service level agreements with executive branch departments and agencies
  - 1144 to ensure quality products and services are delivered on schedule and within budget;
  - 1145 (9) develop standards for application development including a standard methodology
  - 1146 and cost-benefit analysis that all agencies shall utilize for application development activities;
  - 1147 (10) determine and implement statewide efforts to standardize data elements;
  - 1148 (11) coordinate with executive branch agencies to provide basic website standards for
  - 1149 agencies that address common design standards and navigation standards, including:

- 1150 (a) accessibility for individuals with disabilities in accordance with:  
1151 (i) the standards of 29 U.S.C. Sec. 794d; and  
1152 (ii) Section 63A-16-209;
- 1153 (b) consistency with standardized government security standards;  
1154 (c) designing around user needs with data-driven analysis influencing management and  
1155 development decisions, using qualitative and quantitative data to determine user goals, needs,  
1156 and behaviors, and continual testing of the website, web-based form, web-based application, or  
1157 digital service to ensure that user needs are addressed;
- 1158 (d) providing users of the website, web-based form, web-based application, or digital  
1159 service with the option for a more customized digital experience that allows users to complete  
1160 digital transactions in an efficient and accurate manner; and
- 1161 (e) full functionality and usability on common mobile devices;
- 1162 (12) consider, when making a purchase for an information system, cloud computing  
1163 options, including any security benefits, privacy, data retention risks, and cost savings  
1164 associated with cloud computing options;
- 1165 (13) develop systems and methodologies to review, evaluate, and prioritize existing  
1166 information technology projects within the executive branch and report to the governor and the  
1167 [~~Public Utilities, Energy, and Technology~~] Government Operations Interim Committee in  
1168 accordance with Section 63A-16-201 on a semiannual basis regarding the status of information  
1169 technology projects;
- 1170 (14) assist the Governor's Office of Planning and Budget with the development of  
1171 information technology budgets for agencies; [~~and~~]
- 1172 (15) ensure that any training or certification required of a public official or public  
1173 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
1174 22, State Training and Certification Requirements, if the training or certification is required:
- 1175 (a) under this chapter;  
1176 (b) by the department; or  
1177 (c) by the division[-];

1178           (16) provide support to executive branch agencies for the information technology  
1179 assets and functions that are unique to the agency and are mission critical functions of the  
1180 agency;

1181           (17) provide in-house information technology staff support to executive branch  
1182 agencies;

1183           (18) establish a committee composed of agency user groups to coordinate division  
1184 services with agency needs;

1185           (19) assist executive branch agencies in complying with the requirements of any rule  
1186 made by the chief information officer;

1187           (20) develop and implement an effective enterprise architecture governance model for  
1188 the executive branch;

1189           (21) provide oversight of information technology projects that impact statewide  
1190 information technology services, assets, or functions of state government to:

1191           (a) control costs;

1192           (b) ensure business value to a project;

1193           (c) maximize resources;

1194           (d) ensure the uniform application of best practices; and

1195           (e) avoid duplication of resources;

1196           (22) develop a method of accountability to agencies for services provided by the  
1197 department through service agreements with the agencies;

1198           (23) serve as a project manager for enterprise architecture, including management of  
1199 applications, standards, and procurement of enterprise architecture;

1200           (24) coordinate the development and implementation of advanced state  
1201 telecommunication systems;

1202           (25) provide services, including technical assistance:

1203           (a) to executive branch agencies and subscribers to the services; and

1204           (b) related to information technology or telecommunications;

1205           (26) establish telecommunication system specifications and standards for use by:

- 1206           (a) one or more executive branch agencies; or
- 1207           (b) one or more entities that subscribe to the telecommunication systems in accordance
- 1208 with Section 63A-16-303;
- 1209           (27) coordinate state telecommunication planning, in cooperation with:
- 1210           (a) state telecommunication users;
- 1211           (b) executive branch agencies; and
- 1212           (c) other subscribers to the state's telecommunication systems;
- 1213           (28) cooperate with the federal government, other state entities, counties, and
- 1214 municipalities in the development, implementation, and maintenance of:
- 1215           (a) (i) governmental information technology; or
- 1216           (ii) governmental telecommunication systems; and
- 1217           (b) (i) as part of a cooperative organization; or
- 1218           (ii) through means other than a cooperative organization;
- 1219           (29) establish, operate, manage, and maintain:
- 1220           (a) one or more state data centers; and
- 1221           (b) one or more regional computer centers;
- 1222           (30) design, implement, and manage all state-owned, leased, or rented land, mobile, or
- 1223 radio telecommunication systems that are used in the delivery of services for state government
- 1224 or the state's political subdivisions;
- 1225           (31) in accordance with the executive branch strategic plan, implement minimum
- 1226 standards to be used by the division for purposes of compatibility of procedures, programming
- 1227 languages, codes, and media that facilitate the exchange of information within and among
- 1228 telecommunication systems;
- 1229           (32) establish standards for the information technology needs of a collection of
- 1230 executive branch agencies or programs that share common characteristics relative to the types
- 1231 of stakeholders the agencies or programs serve, including:
- 1232           (a) project management;
- 1233           (b) application development; and

- 1234 (c) procurement;
- 1235 (33) provide oversight of information technology standards that impact multiple
- 1236 executive branch agency information technology services, assets, or functions to:
- 1237 (a) control costs;
- 1238 (b) ensure business value to a project;
- 1239 (c) maximize resources;
- 1240 (d) ensure the uniform application of best practices; and
- 1241 (e) avoid duplication of resources; and
- 1242 (34) establish a system of accountability to user agencies through the use of service
- 1243 agreements.

1244 Section 26. Section **63A-16-105** is amended to read:

1245 **63A-16-105. Director -- Authority.**

- 1246 (1) The executive director shall, with the approval of the governor, appoint the
- 1247 director.
- 1248 (2) The director:
  - 1249 (a) shall exercise all powers given to, and perform all duties imposed on, the division;
  - 1250 (b) has administrative jurisdiction over the division and each office within the division;
  - 1251 (c) may make changes in division personnel and service functions under the director's
  - 1252 administrative jurisdiction; and
  - 1253 (d) may authorize a designee to perform appropriate responsibilities.
- 1254 (3) The director may, to facilitate division management, establish offices and bureaus
- 1255 to perform division functions.
- 1256 (4) (a) The director may hire employees in the division and offices of the division as
- 1257 permitted by division resources.
- 1258 (b) Except as provided in Subsection (5), each employee of the division is exempt from
- 1259 career service or classified service status as provided in Section **63A-17-301**.
- 1260 (5) (a) ~~Am~~ Unless the employee voluntarily converted to an exempt position described
- 1261 in Section **63A-17-301**, an employee of an executive branch agency who was a career service

1262 employee as of July 1, 2005, who was transferred to the division at the time it was newly  
1263 created as the Department of Technology Services continues in the employee's career service  
1264 status during the employee's service to the division if the duties of the position in the division  
1265 are substantially similar to those in the employee's previous position.

1266 (b) A career service employee transferred under the provisions of Subsection (5)(a),  
1267 whose duties or responsibilities subsequently change, may not be converted to exempt status  
1268 without the review process required by Subsection 63A-17-301(3).

1269 Section 27. Section 63A-16-201 is amended to read:

1270 **63A-16-201. Chief information officer -- Appointment -- Powers -- Reporting.**

1271 (1) The director of the division shall serve as the state's chief information officer.

1272 (2) The chief information officer shall:

1273 (a) advise the governor on information technology policy; and

1274 (b) perform those duties given the chief information officer by statute.

1275 (3) (a) The chief information officer shall report annually to:

1276 (i) the governor; and

1277 (ii) the [~~Public Utilities, Energy, and Technology~~] Government Operations Interim  
1278 Committee.

1279 (b) The report required under Subsection (3)(a) shall:

1280 (i) summarize the state's current and projected use of information technology;

1281 (ii) summarize the executive branch strategic plan including a description of major  
1282 changes in the executive branch strategic plan;

1283 (iii) provide a brief description of each state agency's information technology plan;

1284 (iv) include the status of information technology projects described in Subsection

1285 63A-16-104(11);

1286 (v) include the performance report described in Section 63A-16-211; and

1287 (vi) include the expenditure of the funds provided for electronic technology,  
1288 equipment, and hardware.

1289 Section 28. Section 63A-16-202 is amended to read:

1290           **63A-16-202. Executive branch information technology strategic plan.**  
1291           (1) In accordance with this section, the chief information officer shall prepare an  
1292 executive branch information technology strategic plan:  
1293           (a) that complies with this chapter; and  
1294           (b) that includes:  
1295           (i) a strategic plan for the:  
1296           (A) interchange of information related to information technology between executive  
1297 branch agencies;  
1298           (B) coordination between executive branch agencies in the development and  
1299 maintenance of information technology and information systems, including the coordination of  
1300 agency information technology plans described in Section 63A-16-203; and  
1301           (C) protection of the privacy of individuals who use state information technology or  
1302 information systems, including the implementation of industry best practices for data and  
1303 system security;  
1304           (ii) priorities for the development and implementation of information technology or  
1305 information systems including priorities determined on the basis of:  
1306           (A) the importance of the information technology or information system; and  
1307           (B) the time sequencing of the information technology or information system; and  
1308           (iii) maximizing the use of existing state information technology resources.  
1309           (2) In the development of the executive branch strategic plan, the chief information  
1310 officer shall consult with all cabinet level officials.  
1311           (3) (a) Unless withdrawn by the chief information officer or the governor in accordance  
1312 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on  
1313 which the executive branch strategic plan is submitted to:  
1314           (i) the governor; and  
1315           (ii) the [~~Public Utilities, Energy, and Technology~~] Government Operations Interim  
1316 Committee.  
1317           (b) The chief information officer or the governor may withdraw the executive branch

1318 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer  
1319 determines that the executive branch strategic plan:

- 1320 (i) should be modified; or  
1321 (ii) for any other reason should not take effect.

1322 (c) The [~~Public Utilities, Energy, and Technology~~] Government Operations Interim  
1323 Committee may make recommendations to the governor and to the chief information officer if  
1324 the commission determines that the executive branch strategic plan should be modified or for  
1325 any other reason should not take effect.

1326 (d) Modifications adopted by the chief information officer shall be resubmitted to the  
1327 governor and the [~~Public Utilities, Energy, and Technology~~] Government Operations Interim  
1328 Committee for their review or approval as provided in Subsections (3)(a) and (b).

1329 (4) (a) The chief information officer shall annually, on or before January 1, modify the  
1330 executive branch information technology strategic plan to incorporate security standards that:

- 1331 (i) are identified as industry best practices in accordance with Subsections  
1332 [63A-16-104](#)(3) and (4); and  
1333 (ii) can be implemented within the budget of the department or the executive branch  
1334 agencies.

1335 (b) The chief information officer shall inform the speaker of the House of  
1336 Representatives and the president of the Senate on or before January 1 of each year if best  
1337 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered  
1338 under Subsection (4)(a)(ii).

1339 (5) Each executive branch agency shall implement the executive branch strategic plan  
1340 by adopting an agency information technology plan in accordance with Section [63A-16-203](#).

1341 Section 29. Section **63A-16-203** is amended to read:

1342 **63A-16-203. Agency information technology plans.**

1343 (1) (a) On or before July 1 each year, each executive branch agency shall submit an  
1344 agency information technology plan to the chief information officer at the department level,  
1345 unless the governor or the chief information officer request an information technology plan be

1346 submitted by a subunit of a department, or by an executive branch agency other than a  
1347 department.

1348 (b) The information technology plans required by this section shall be in the form and  
1349 level of detail required by the chief information officer, by administrative rule [~~adopted in~~  
1350 ~~accordance with~~] under Section 63A-16-205, and shall include, at least:

1351 (i) the information technology objectives of the agency;

1352 (ii) any performance measures used by the agency for implementing the agency's  
1353 information technology objectives;

1354 (iii) any planned expenditures related to information technology;

1355 (iv) the agency's need for appropriations for information technology;

1356 (v) how the agency's development of information technology coordinates with other  
1357 state and local governmental entities;

1358 (vi) any efforts the agency has taken to develop public and private partnerships to  
1359 accomplish the information technology objectives of the agency;

1360 (vii) the efforts the executive branch agency has taken to conduct transactions  
1361 electronically in compliance with Section 46-4-503; and

1362 (viii) the executive branch agency's plan for the timing and method of verifying the  
1363 department's security standards, if an agency intends to verify the department's security  
1364 standards for the data that the agency maintains or transmits through the department's servers.

1365 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan  
1366 described in Subsection (1) shall comply with the executive branch strategic plan established in  
1367 accordance with Section 63A-16-202.

1368 (b) If the executive branch agency submitting the agency information technology plan  
1369 justifies the need to depart from the executive branch strategic plan, an agency information  
1370 technology plan may depart from the executive branch strategic plan to the extent approved by  
1371 the chief information officer.

1372 (3) The chief information officer shall review each agency plan to determine:

1373 (a) (i) whether the agency plan complies with the executive branch strategic plan and

1374 state information architecture; or

1375 (ii) to the extent that the agency plan does not comply with the executive branch  
1376 strategic plan or state information architecture, whether the executive branch entity is justified  
1377 in departing from the executive branch strategic plan, or state information architecture; and

1378 (b) whether the agency plan meets the information technology and other needs of:

1379 (i) the executive branch agency submitting the plan; and

1380 (ii) the state.

1381 (4) After the chief information officer conducts the review described in Subsection (3)  
1382 of an agency information technology plan, the chief information officer may:

1383 (a) approve the agency information technology plan;

1384 (b) disapprove the agency information technology plan; or

1385 (c) recommend modifications to the agency information technology plan.

1386 (5) An executive branch agency or the department may not submit a request for  
1387 appropriation related to information technology or an information technology system to the  
1388 governor in accordance with Section 63J-1-201 until after the executive branch agency's  
1389 information technology plan is approved by the chief information officer.

1390 Section 30. Section 63A-16-205 is amended to read:

1391 **63A-16-205. Rulemaking -- Policies.**

1392 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule  
1393 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

1394 (i) provide standards that impose requirements on executive branch agencies that:

1395 (A) are related to the security of the statewide area network; and

1396 (B) establish standards for when an agency must obtain approval before obtaining  
1397 items listed in Subsection 63A-16-204(1);

1398 (ii) specify the detail and format required in an agency information technology plan  
1399 submitted in accordance with Section 63A-16-203;

1400 (iii) provide for standards related to the privacy policies of websites operated by or on  
1401 behalf of an executive branch agency;

1402 (iv) provide for the acquisition, licensing, and sale of computer software;  
1403 (v) specify the requirements for the project plan and business case analysis required by  
1404 Section 63A-16-204;  
1405 (vi) provide for project oversight of agency technology projects when required by  
1406 Section 63A-16-204;  
1407 (vii) establish, in accordance with Subsection 63A-16-204(2), the implementation of  
1408 the needs assessment for information technology purchases;  
1409 (viii) establish telecommunications standards and specifications in accordance with  
1410 [~~Section 63A-16-403~~] Subsection 63A-16-104(26); and  
1411 (ix) establish standards for accessibility of information technology by individuals with  
1412 disabilities in accordance with Section 63A-16-209.  
1413 (b) The rulemaking authority granted by this Subsection (1) is in addition to any other  
1414 rulemaking authority granted under this chapter.  
1415 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1416 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines  
1417 procedures to be followed by the chief information officer in facilitating the implementation of  
1418 this title by executive branch agencies if the policy:  
1419 (i) is consistent with the executive branch strategic plan; and  
1420 (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.  
1421 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may  
1422 not take effect until 30 days after the day on which the chief information officer submits the  
1423 policy to:  
1424 (A) the governor; and  
1425 (B) all cabinet level officials.  
1426 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials  
1427 may review and comment on a policy submitted under Subsection (2)(b)(i).  
1428 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah  
1429 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the

1430 chief information officer may adopt a security procedure to be followed by executive branch  
1431 agencies to protect the statewide area network if:

1432 (i) broad communication of the security procedure would create a significant potential  
1433 for increasing the vulnerability of the statewide area network to breach or attack; and

1434 (ii) after consultation with the chief information officer, the governor agrees that broad  
1435 communication of the security procedure would create a significant potential increase in the  
1436 vulnerability of the statewide area network to breach or attack.

1437 (b) A security procedure described in Subsection (3)(a) is classified as a protected  
1438 record under Title 63G, Chapter 2, Government Records Access and Management Act.

1439 (c) The chief information officer shall provide a copy of the security procedure as a  
1440 protected record to:

1441 (i) the chief justice of the Utah Supreme Court for the judicial branch;

1442 (ii) the speaker of the House of Representatives and the president of the Senate for the  
1443 legislative branch;

1444 (iii) the chair of the Utah Board of Higher Education; and

1445 (iv) the chair of the State Board of Education.

1446 Section 31. Section **63A-16-208** is amended to read:

1447 **63A-16-208. Delegation of division staff to executive branch agencies --**

1448 **Prohibition against executive branch agency information technology staff.**

1449 (1) (a) The chief information officer shall assign division staff to serve an agency  
1450 in-house if the chief information officer and the executive branch agency director jointly  
1451 determine it is appropriate to provide information technology services to:

1452 (i) the agency's unique mission-critical functions and applications;

1453 (ii) the agency's participation in and use of statewide enterprise architecture; and

1454 (iii) the agency's use of coordinated technology services with other agencies that share  
1455 similar characteristics with the agency.

1456 (b) (i) An agency may request the chief information officer to assign in-house staff  
1457 support from the division.

1458 (ii) The chief information officer shall respond to the agency's request for in-house  
1459 staff support in accordance with Subsection (1)(a).

1460 (c) The division shall enter into service agreements with an agency when division staff  
1461 is assigned in-house to the agency under the provisions of this section.

1462 (d) An agency that receives in-house staff support assigned from the division under the  
1463 provision of this section is responsible for paying the rates charged by the division for that staff  
1464 as established under Section 63A-16-301.

1465 (2) (a) An executive branch agency may not create a full-time equivalent position or  
1466 part-time position, or request an appropriation to fund a full-time equivalent position or  
1467 part-time position under the provisions of Section 63J-1-201 for the purpose of providing  
1468 information technology services to the agency unless:

1469 (i) the chief information officer has approved a delegation under Section 63A-16-207;  
1470 and

1471 (ii) the division conducts an audit ~~[under]~~ in relation to Section ~~[63A-16-213]~~  
1472 63A-16-102 and finds that the delegation of information technology services to the agency  
1473 meets the requirements of Section 63A-16-207.

1474 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not  
1475 apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

1476 Section 32. Section 63A-16-211 is amended to read:

1477 **63A-16-211. Report to the Legislature.**

1478 The division shall, in accordance with Section 63F-16-201, before November 1 each  
1479 year, report to the ~~[Public Utilities, Energy, and Technology]~~ Government Operations Interim  
1480 Committee on:

1481 (1) performance measures that the division uses to assess the division's effectiveness in  
1482 performing the division's duties under this part; and

1483 (2) the division's performance, evaluated in accordance with the performance measures  
1484 described in Subsection (1).

1485 Section 33. Section 63A-16-301 is amended to read:

- 1486           **63A-16-301. Cost based services -- Rates -- Submission to rate committee.**
- 1487           (1) The chief information officer shall:
- 1488           (a) at the lowest practical cost, manage the delivery of efficient and cost-effective
- 1489 information technology and telecommunication services for:
- 1490           (i) all executive branch agencies; and
- 1491           (ii) entities that subscribe to the services in accordance with Section 63A-16-303; and
- 1492           (b) provide priority service to public safety agencies.
- 1493           (2) (a) In accordance with this Subsection (2), the chief information officer shall
- 1494 prescribe a schedule of [~~fees~~] rates for all services rendered by the division to:
- 1495           (i) an executive branch entity; or
- 1496           (ii) an entity that subscribes to services rendered by the division in accordance with
- 1497 Section 63A-16-303.
- 1498           (b) Each [~~fee~~] rate included in the schedule of [~~fees~~] rates required by Subsection
- 1499 (2)(a):
- 1500           (i) shall be equitable;
- 1501           (ii) should be based upon a zero based, full cost accounting of activities necessary to
- 1502 provide each service for which a [~~fee~~] rate is established; and
- 1503           (iii) for each service multiplied by the projected consumption of the service recovers
- 1504 no more or less than the full cost of each service.
- 1505           (c) Before charging a [~~fee~~] rate for its services to an executive branch agency or to a
- 1506 subscriber of services other than an executive branch agency, the chief information officer
- 1507 shall:
- 1508           (i) submit the proposed rates[~~, fees,~~] and cost analysis to the Rate Committee
- 1509 established in Section 63A-1-114; and
- 1510           (ii) obtain the approval of the Legislature as required by Section 63J-1-410.
- 1511           (d) The chief information officer shall periodically conduct a market analysis of
- 1512 proposed rates [~~and fees~~], which analysis shall include a comparison of the division's rates with
- 1513 the [~~fees~~] rates of other public or private sector providers where comparable services and rates

1514 are reasonably available.

1515 Section 34. Section **63A-16-501** is amended to read:

1516 **63A-16-501. Definitions.**

1517 As used in this part:

1518 (1) "Center" means the Utah Geospatial Resource Center created in Section  
1519 [63A-16-505](#).

1520 (2) "Database" means the State Geographic Information Database created in Section  
1521 [63A-16-506](#).

1522 (3) "Geographic Information System" or "GIS" means a computer driven data  
1523 integration and map production system that interrelates disparate layers of data to specific  
1524 geographic locations.

1525 [~~(4) "Office" means the Office of Integrated Technology, created in Section~~  
1526 ~~[63A-16-502](#).~~]

1527 [~~(5)~~ (4) "State Geographic Information Database" means the database created in  
1528 Section [63A-16-506](#).

1529 [~~(6)~~ (5) "Statewide Global Positioning Reference Network" or "network" means the  
1530 network created in Section [63A-16-508](#).

1531 Section 35. Section **63A-16-504** is amended to read:

1532 **63A-16-504. Information technology plan.**

1533 (1) In accordance with this section, the [~~office~~] division shall submit an information  
1534 technology plan to the chief information officer.

1535 (2) The information technology plan submitted by the [~~office~~] division under this  
1536 section shall include:

1537 (a) the information required by Section [63A-16-202](#);

1538 (b) a list of the services the [~~office~~] division offers or plans to offer; and

1539 (c) a description of the performance measures used by the [~~office~~] division to measure  
1540 the quality of the services described in Subsection (2)(b).

1541 (3) (a) In submitting the information technology plan under this section, the [~~office~~]

1542 division shall comply with Section [63A-16-203](#).

1543 (b) The information technology plan submitted by the ~~[office]~~ division under this  
1544 section is subject to the approval of the chief information officer as provided in Section  
1545 [63A-16-203](#).

1546 Section 36. Section **63A-16-505** is amended to read:

1547 **63A-16-505. Utah Geospatial Resource Center.**

1548 (1) There is created the Utah Geospatial Resource Center as part of the ~~[office]~~  
1549 division.

1550 (2) The center shall:

1551 (a) provide geographic information system services to state agencies under rules  
1552 ~~[adopted in accordance with Section [63A-16-503](#)]~~ made under Section [63A-16-104](#) and  
1553 policies established by the office;

1554 (b) provide geographic information system services to federal government, local  
1555 political subdivisions, and private persons under rules and policies established by the office;

1556 (c) manage the State Geographic Information Database; and

1557 (d) establish standard format, lineage, and other requirements for the database.

1558 (3) (a) There is created a position of surveyor within the center.

1559 (b) The surveyor under this Subsection (3) shall:

1560 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional  
1561 Engineers and Professional Land Surveyors Licensing Act;

1562 (ii) provide technical support to the office of lieutenant governor in the lieutenant  
1563 governor's evaluation under Section [67-1a-6.5](#) of a proposed boundary action, as defined in  
1564 Section [17-23-20](#);

1565 (iii) as requested by a county surveyor, provide technical assistance to the county  
1566 surveyor with respect to the county surveyor's responsibilities under Section [17-23-20](#);

1567 (iv) fulfill the duties described in Section [17-50-105](#), if engaged to do so as provided in  
1568 that section;

1569 (v) assist the State Tax Commission in processing and quality assurance of boundary

1570 descriptions or maps into digital format for inclusion in the State Geographic Information  
1571 Database;

1572 (vi) coordinate with county recorders and surveyors to create a statewide parcel layer in  
1573 the State Geographic Information Database containing parcel boundary, parcel identifier, parcel  
1574 address, owner type, and county recorder contact information; and

1575 (vii) facilitate and integrate the collection efforts of local government and federal  
1576 agencies for data collection to densify and enhance the statewide Public Land Survey System  
1577 reference network in the State Geographic Information Database.

1578 (4) The office may:

1579 (a) make rules and establish policies to govern the center and the center's operations;

1580 and

1581 (b) set fees for the services provided by the center.

1582 (5) The state may not sell information obtained from counties under Subsection

1583 (3)(b)(v).

1584 Section 37. Section **63A-16-701** is amended to read:

1585 **63A-16-701. Data Security Management Council -- Membership -- Duties.**

1586 (1) There is created the Data Security Management Council comprising eight members  
1587 as follows:

1588 (a) the chief information officer appointed under Section [63A-16-201](#), or the chief  
1589 information officer's designee;

1590 (b) one individual appointed by the governor;

1591 (c) one individual appointed by the speaker of the House of Representatives and the  
1592 president of the Senate; and

1593 (d) the highest ranking information technology official, or the highest ranking  
1594 information technology official's designee, from each of:

1595 (i) the Judicial Council;

1596 (ii) the Utah Board of Higher Education;

1597 (iii) the State Board of Education;

- 1598 (iv) the State Tax Commission; and  
1599 (v) the Office of the Attorney General.
- 1600 (2) The council shall elect a chair of the council by majority vote.
- 1601 (3) (a) A majority of the members of the council constitutes a quorum.  
1602 (b) Action by a majority of a quorum of the council constitutes an action of the council.
- 1603 (4) The Division of Technology Services shall provide staff to the council.
- 1604 (5) The council shall meet quarterly, or as often as necessary, to:  
1605 (a) review existing state government data security policies;  
1606 (b) assess ongoing risks to state government information technology;  
1607 (c) create a method to notify state and local government entities of new risks;  
1608 (d) coordinate data breach simulation exercises with state and local government  
1609 entities; and  
1610 (e) develop data security best practice recommendations for state government that  
1611 include recommendations regarding:  
1612 (i) hiring and training a chief information security officer for each government entity;  
1613 (ii) continuous risk monitoring;  
1614 (iii) password management;  
1615 (iv) using the latest technology to identify and respond to vulnerabilities;  
1616 (v) protecting data in new and old systems; and  
1617 (vi) best procurement practices.
- 1618 (6) A member who is not a member of the Legislature may not receive compensation  
1619 or benefits for the member's service but may receive per diem and travel expenses as provided  
1620 in:  
1621 (a) Section [63A-3-106](#);  
1622 (b) Section [63A-3-107](#); and  
1623 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- 1624 (7) The Data Security Management Council may, in accordance with Section  
1625 [52-4-204](#), close to the public a meeting to discuss an item described in Subsection (5) if public

1626 discussion of the item would result in disclosure of information that would reasonably be  
1627 expected to jeopardize the data security of a state or local government entity.

1628 Section 38. Section **63A-16-702** is amended to read:

1629 **63A-16-702. Data Security Management Council -- Report to Legislature --**  
1630 **Recommendations.**

1631 (1) The council chair or the council chair's designee shall report annually no later than  
1632 October 1 of each year to the [~~Public Utilities, Energy, and Technology~~] Government  
1633 Operations Interim Committee.

1634 (2) The council's annual report shall contain:

1635 (a) a summary of topics the council studied during the year;

1636 (b) best practice recommendations for state government; and

1637 (c) recommendations for implementing the council's best practice recommendations.

1638 Section 39. Section **63A-16-804** is amended to read:

1639 **63A-16-804. Report.**

1640 (1) The division shall report to the [~~Public Utilities, Energy, and Technology~~]  
1641 Government Operations Interim Committee before November 30 of each year regarding:

1642 (a) the progress the division has made in developing the single sign-on business portal  
1643 and the single sign-on citizen portal and, once that development is complete, regarding the  
1644 operation of the single sign-on business portal and the single sign-on citizen portal;

1645 (b) the division's goals and plan for each of the next five years to fulfill the division's  
1646 responsibilities described in this part; and

1647 (c) whether the division recommends any change to the single sign-on fee being  
1648 charged under Section 13-1-2.

1649 (2) The [~~Public Utilities, Energy, and Technology~~] Government Operations Interim  
1650 Committee shall annually:

1651 (a) review the single sign-on fee being charged under Section 13-1-2;

1652 (b) determine whether the revenue from the single sign-on fee is adequate for designing  
1653 and developing and then, once developed, operating and maintaining the single sign-on web

1654 portal; and

1655 (c) make any recommendation to the Legislature that the committee considers  
1656 appropriate concerning:

1657 (i) the single sign-on fee; and

1658 (ii) the development or operation of the single sign-on business portal and the single  
1659 sign-on citizen portal.

1660 Section 40. Section **63A-16-903** is amended to read:

1661 **63A-16-903. Chief information officer review and approval of technology**  
1662 **proposals.**

1663 (1) The chief information officer shall review and evaluate each technology proposal  
1664 that the review board transmits to the chief information officer.

1665 (2) The chief information officer may approve and recommend that the division  
1666 provide funding from legislative appropriations for a technology proposal if, after the chief  
1667 information officer's review and evaluation of the technology proposal:

1668 (a) the chief information officer determines that there is a reasonably good likelihood  
1669 that the technology proposal:

1670 (i) is capable of being implemented effectively; and

1671 (ii) will result in greater efficiency in a government process or a cost saving in the  
1672 delivery of a government service, or both; and

1673 (b) the chief information officer receives approval from the governor's budget office  
1674 for the technology proposal.

1675 (3) The chief information officer may:

1676 (a) prioritize multiple approved technology proposals based on their relative likelihood  
1677 of achieving the goals described in Subsection (2); and

1678 (b) recommend funding based on the chief information officer's prioritization under  
1679 Subsection (3)(a).

1680 (4) The division shall:

1681 (a) track the implementation and success of a technology proposal approved by the

1682 chief information officer;

1683 (b) evaluate the level of the technology proposal's implementation effectiveness and  
1684 whether the implementation results in greater efficiency in a government process or a cost  
1685 saving in the delivery of a government service, or both; and

1686 (c) report the results of the division's tracking and evaluation:

1687 (i) to the chief information officer, as frequently as the chief information officer  
1688 requests; and

1689 (ii) at least annually to the [~~Public Utilities, Energy, and Technology~~] Government  
1690 Operations Interim Committee.

1691 (5) The division may expend money appropriated by the Legislature to pay for  
1692 expenses incurred by executive branch agencies in implementing a technology proposal that the  
1693 chief information officer has approved.

1694 Section 41. Section **63A-17-106** is amended to read:

1695 **63A-17-106. Responsibilities of the director.**

1696 (1) The director shall have full responsibility and accountability for the administration  
1697 of the statewide human resource management system.

1698 (2) Except as provided in Section **63A-17-201**, an agency may not perform human  
1699 resource functions without the consent of the director.

1700 (3) Statewide human resource management rules [~~adopted~~] made by the division in  
1701 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take  
1702 precedence if there is a conflict with agency rules, policies, or practices.

1703 (4) The division may operate as an internal service fund agency in accordance with  
1704 Section **63J-1-410** for the human resource functions the division provides.

1705 (5) The director shall:

1706 (a) develop, implement, and administer a statewide program of human resource  
1707 management that will:

1708 (i) aid in the efficient execution of public policy;

1709 (ii) foster careers in public service for qualified employees; and

- 1710 (iii) render assistance to state agencies in performing their missions;
- 1711 (b) design and administer the state pay plan;
- 1712 (c) design and administer the state classification system and procedures for determining
- 1713 schedule assignments;
- 1714 (d) design and administer the state recruitment and selection system;
- 1715 (e) administer agency human resource practices and ensure compliance with federal
- 1716 law, state law, and state human resource rules, including equal employment opportunity;
- 1717 (f) consult with agencies on decisions concerning employee corrective action and
- 1718 discipline;
- 1719 (g) maintain central personnel records;
- 1720 (h) perform those functions necessary to implement this chapter unless otherwise
- 1721 assigned or prohibited;
- 1722 (i) perform duties assigned by the governor, executive director, or statute;
- 1723 (j) adopt rules for human resource management according to the procedures of Title
- 1724 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1725 (k) establish and maintain a management information system that will furnish the
- 1726 governor, the Legislature, and agencies with current information on authorized positions,
- 1727 payroll, and related matters concerning state human resources;
- 1728 (l) conduct research and planning activities to:
- 1729 (i) determine and prepare for future state human resource needs;
- 1730 (ii) develop methods for improving public human resource management; and
- 1731 (iii) propose needed policy changes to the governor;
- 1732 (m) study the character, causes, and extent of discrimination in state employment and
- 1733 develop plans for its elimination through programs consistent with federal and state laws
- 1734 governing equal employment opportunity in employment;
- 1735 (n) when requested by charter schools or counties, municipalities, and other political
- 1736 subdivisions of the state, provide technical service, training recommendations, or advice on
- 1737 human resource management at a charge determined by the director;

- 1738 (o) establish compensation policies and procedures for early voluntary retirement;
- 1739 (p) confer with the heads of other agencies about human resource policies and
- 1740 procedures;
- 1741 (q) submit an annual report to the executive director, the governor, and the Legislature;
- 1742 and
- 1743 (r) assist with the development of a vacant position report required under Subsection
- 1744 [63J-1-201\(2\)\(b\)\(vi\)](#).
- 1745 (6) (a) After consultation with the executive director, the governor, and the heads of
- 1746 other agencies, the director shall establish and coordinate statewide training programs,
- 1747 including and subject to available funding, the development of manager and supervisor
- 1748 training.
- 1749 (b) The programs developed under this Subsection (6) shall have application to more
- 1750 than one agency.
- 1751 (c) The division may not establish training programs that train employees to perform
- 1752 highly specialized or technical jobs and tasks.
- 1753 (d) The division shall ensure that any training program described in this Subsection (6)
- 1754 complies with Title 63G, Chapter 22, State Training and Certification Requirements.
- 1755 (7) (a) (i) The division may collect fees for training as authorized by this Subsection
- 1756 (7).
- 1757 (ii) Training funded from General Fund appropriations shall be treated as a separate
- 1758 program within the department budget.
- 1759 (iii) All money received from fees under this section will be accounted for by the
- 1760 department as a separate user driven training program.
- 1761 (iv) The user training program includes the costs of developing, procuring, and
- 1762 presenting training and development programs, and other associated costs for these programs.
- 1763 (b) (i) Funds remaining at the end of the fiscal year in the user training program are
- 1764 nonlapsing.
- 1765 (ii) Each year, as part of the appropriations process, the Legislature shall review the

1766 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require  
1767 the department to lapse a portion of the funds.

1768 Section 42. Section **63A-17-107** is amended to read:

1769 **63A-17-107. Services and fees -- Submission to rate committee.**

1770 The director shall, before charging a [~~fee~~] rate for services provided by the division's  
1771 internal service fund to an executive branch agency:

1772 (1) submit the proposed rates[~~, fees,~~] and cost analysis to the rate committee  
1773 established in Section **63A-1-114**; and

1774 (2) obtain the approval of the Legislature as required under Section **63J-1-410**.

1775 Section 43. Section **63A-17-110** is amended to read:

1776 **63A-17-110. State pay plans for DNR peace officers and wildland firefighters.**

1777 (1) As used in this section:

1778 (a) "DNR peace officer" means an employee of the Department of Natural Resources  
1779 who is designated as a peace officer by law.

1780 (b) "Wildland firefighter" means an employee of the Division of Forestry, Fire, and  
1781 State Lands who is:

1782 (i) trained in firefighter techniques; and  
1783 (ii) assigned to a position of hazardous duty.

1784 (2) The director shall:

1785 (a) establish a specialized state pay plan for DNR peace officers and wildland  
1786 firefighters that:

1787 (i) meets the requirements of Section **63A-17-307**;  
1788 (ii) distinguishes the salary range for each DNR peace officer and wildland firefighter  
1789 classification;

1790 (iii) includes for each DNR peace officer and wildland firefighter classification:

1791 (A) the minimum qualifications; and

1792 (B) any training requirements; and

1793 (iv) provides standards for:

1794 (A) performance evaluation; and  
1795 (B) promotion; and  
1796 (b) include, in the plan described in Subsection [~~67-19-12(5)~~] 63A-17-307(5),  
1797 recommendations on funding and salary increases for DNR peace officers and wildland  
1798 firefighters.

1799 Section 44. Section **63A-17-202** is amended to read:

1800 **63A-17-202. Use of facilities -- Field office facilities cost allocation.**

1801 (1) An agency or a political subdivision of the state shall allow the division to use  
1802 public buildings under the agency's [~~of~~] or the political subdivision's control, and furnish heat,  
1803 light, and furniture, for any examination, training, hearing, or investigation authorized by this  
1804 chapter.

1805 (2) An agency or political subdivision that allows the division to use a public building  
1806 under Subsection (1) shall pay the cost of the division's use of the public building.

1807 Section 45. Section **63A-17-304** is amended to read:

1808 **63A-17-304. Promotion -- Reclassification -- Market adjustment.**

1809 (1) (a) If an employee is promoted or the employee's position is reclassified to a higher  
1810 salary range maximum, the agency shall place the employee within the new range of the  
1811 position.

1812 (b) An agency may not set an employee's salary:

1813 (i) higher than the maximum in the new salary range; [~~and~~] or

1814 (ii) lower than the minimum in the new salary range of the position.

1815 (c) Except for an employee described in Subsection 63A-17-301(1)(q), the agency shall  
1816 grant a salary increase of at least 5% to an employee who is promoted.

1817 (2) An agency shall adjust the salary range for an employee whose salary range is  
1818 approved by the Legislature for a market comparability adjustment consistent with Subsection  
1819 63A-17-307(5)(b)(i):

1820 (a) at the beginning of the next fiscal year; and

1821 (b) consistent with appropriations made by the Legislature.

1822 (3) Division-initiated revisions in the state classification system that result in  
1823 consolidation or reduction of class titles or broadening of pay ranges:

1824 (a) may not be regarded as a reclassification of the position or promotion of the  
1825 employee; and

1826 (b) are exempt from the provisions of Subsection (1).

1827 Section 46. Section **63A-17-306** is amended to read:

1828 **63A-17-306. Dismissals and demotions -- Grounds -- Disciplinary action --**  
1829 **Procedure -- Reductions in force.**

1830 (1) A career service employee may be dismissed or demoted:

1831 (a) to advance the good of the public service; or

1832 (b) for just causes, including inefficiency, incompetency, failure to maintain skills or  
1833 adequate performance levels, insubordination, disloyalty to the orders of a superior,  
1834 misfeasance, malfeasance, or nonfeasance in office.

1835 (2) An employee may not be dismissed because of race, sex, age, disability, national  
1836 origin, religion, political affiliation, or other nonmerit factor including the exercise of rights  
1837 under this chapter.

1838 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1839 director shall [~~establish~~] make rules governing the procedural and documentary requirements of  
1840 disciplinary dismissals and demotions.

1841 (4) If an agency head finds that a career service employee is charged with aggravated  
1842 misconduct or that retention of a career service employee would endanger the peace and safety  
1843 of others or pose a grave threat to the public interest, the employee may be suspended pending  
1844 the administrative appeal to the department head as provided in Subsection (5).

1845 (5) (a) A career service employee may not be demoted or dismissed unless the  
1846 department head or designated representative has complied with this subsection.

1847 (b) The department head or designated representative notifies the employee in writing  
1848 of the reasons for the dismissal or demotion.

1849 (c) The employee has no less than five working days to reply and have the reply

1850 considered by the department head.

1851 (d) The employee has an opportunity to be heard by the department head or designated  
1852 representative.

1853 (e) Following the hearing, the employee may be dismissed or demoted if the  
1854 department head finds adequate cause or reason.

1855 (6) (a) Reductions in force required by inadequate funds, change of workload, or lack  
1856 of work are governed by retention points established by the director.

1857 (b) Under those circumstances:

1858 (i) The agency head shall designate the category of work to be eliminated, subject to  
1859 review by the director.

1860 (ii) Temporary and probationary employees shall be separated before any career service  
1861 employee.

1862 (iii) (A) When more than one career service employee is affected, the employees shall  
1863 be separated in the order of their retention points, the employee with the lowest points to be  
1864 discharged first.

1865 (B) Retention points for each career service employee shall be computed according to  
1866 rules established by the director, allowing appropriate consideration for proficiency and  
1867 seniority in state government, including any active duty military service fulfilled subsequent to  
1868 original state appointment.

1869 (c) (i) A career service employee who is separated in a reduction in force under this  
1870 section shall be given preferential consideration when applying for a career service position.

1871 (ii) Preferential consideration under Subsection (6)(c)(i) applies only until the former  
1872 career service employee accepts a career service position.

1873 (iii) The director shall make rules in accordance with Title 63G, Chapter 3, Utah  
1874 Administrative Rulemaking Act, concerning the manner of granting preferential consideration  
1875 under Subsection (6)(c)(i).

1876 (d) (i) An employee separated due to a reduction in force may appeal to the department  
1877 head for an administrative review.

1878 (ii) The notice of appeal must be submitted within 20 working days after the  
1879 employee's receipt of written notification of separation.

1880 (iii) The employee may appeal the decision of the department head according to the  
1881 grievance and appeals procedure of this chapter and Title 67, Chapter 19a, Grievance  
1882 Procedures.

1883 Section 47. Section **63A-17-307** is amended to read:

1884 **63A-17-307. State pay plans -- Applicability of section -- Exemptions -- Duties of**  
1885 **director.**

1886 (1) (a) This section, and the rules [~~adopted~~] made by the division [~~to implement~~] under  
1887 this section, apply to each career and noncareer employee not specifically exempted under  
1888 Subsection (2).

1889 (b) If not exempted under Subsection (2), an employee is considered to be in classified  
1890 service.

1891 (2) The following employees are exempt from this section:

1892 (a) members of the Legislature and legislative employees;

1893 (b) members of the judiciary and judicial employees;

1894 (c) elected members of the executive branch and employees designated as schedule AC  
1895 as provided under Subsection **63A-17-301(1)(c)**;

1896 (d) employees of the State Board of Education;

1897 (e) officers, faculty, and other employees of state institutions of higher education;

1898 (f) employees in a position that is specified by statute to be exempt from this  
1899 Subsection (2);

1900 (g) employees in the Office of the Attorney General;

1901 (h) department heads and other persons appointed by the governor under statute;

1902 (i) schedule AS employees as provided under Subsection **63A-17-301(1)(m)**;

1903 (j) department deputy directors, division directors, and other employees designated as  
1904 schedule AD as provided under Subsection **63A-17-301(1)(d)**;

1905 (k) employees that determine and execute policy designated as schedule AR as

1906 provided under Subsection 63A-17-301(1)(l);

1907 (l) teaching staff, educational interpreters, and educators designated as schedule AH as  
1908 provided under Subsection 63A-17-301(1)(g);

1909 (m) temporary employees described in Subsection 63A-17-301(1)(q);

1910 (n) patients and inmates designated as schedule AU as provided under Subsection  
1911 63A-17-301(1)(o) who are employed by state institutions; and

1912 (o) members of state and local boards and councils and other employees designated as  
1913 schedule AQ as provided under Subsection 63A-17-301(1)(k).

1914 (3) (a) The director shall prepare, maintain, and revise a position classification plan for  
1915 each employee position not exempted under Subsection (2) to provide equal pay for equal  
1916 work.

1917 (b) Classification of positions shall be based upon similarity of duties performed and  
1918 responsibilities assumed, so that the same job requirements and the same salary range may be  
1919 applied equitably to each position in the same class.

1920 (c) The director shall allocate or reallocate the position of each employee in classified  
1921 service to one of the classes in the classification plan.

1922 (d) (i) The division shall conduct periodic studies and interviews to provide that the  
1923 classification plan remains reasonably current and reflects the duties and responsibilities  
1924 assigned to and performed by employees.

1925 (ii) The director shall determine the need for studies and interviews after considering  
1926 factors such as changes in duties and responsibilities of positions or agency reorganizations.

1927 (4) (a) With the approval of the executive director and the governor, the director shall  
1928 develop and adopt pay plans for each position in classified service.

1929 (b) The director shall design each pay plan to achieve, to the degree that funds permit,  
1930 comparability of state salary ranges to the market using data obtained from private enterprise  
1931 and other public employment for similar work.

1932 (c) The director shall adhere to the following in developing each pay plan:

1933 (i) each pay plan shall consist of sufficient salary ranges to:

1934 (A) permit adequate salary differential among the various classes of positions in the  
1935 classification plan; and

1936 (B) reflect the normal growth and productivity potential of employees in that class.

1937 (ii) The director shall issue rules for the administration of pay plans.

1938 (d) The establishing of a salary range is a nondelegable activity and is not appealable  
1939 under the grievance procedures of Part 6, Grievance Provisions, Title 67, Chapter 19a,  
1940 Grievance Procedures, or otherwise.

1941 (e) The director shall [~~issue~~] make rules, in accordance with Title 63G, Chapter 3, Utah  
1942 Administrative Rulemaking Act, providing for:

1943 (i) agency approved salary adjustments within approved salary ranges, including an  
1944 administrative salary adjustment;

1945 (ii) legislatively approved salary adjustments within approved salary ranges, including  
1946 a merit increase, subject to Subsection (4)(f), or general increase; and

1947 (iii) structure adjustments that modify salary ranges, including a cost of living  
1948 adjustment or market comparability adjustment.

1949 (f) A merit increase shall be granted on a uniform and consistent basis to each  
1950 employee who receives a rating of "successful" or higher in an annual evaluation of the  
1951 employee's productivity and performance.

1952 (5) (a) On or before October 31 of each year, the director shall submit an annual  
1953 compensation plan to the executive director and the governor for consideration in the executive  
1954 budget.

1955 (b) The plan described in Subsection (5)(a) may include recommendations, including:

1956 (i) salary increases that generally affect employees, including a general increase or  
1957 merit increase;

1958 (ii) salary increases that address compensation issues unique to an agency or  
1959 occupation;

1960 (iii) structure adjustments, including a cost of living adjustment or market  
1961 comparability adjustment; or

- 1962 (iv) changes to employee benefits.
- 1963 (c) (i) (A) Subject to Subsection (5)(c)(i)(B) or (C), the director shall incorporate the  
1964 results of a salary survey of a reasonable cross section of comparable positions in private and  
1965 public employment in the state into the annual compensation plan.
- 1966 (B) The salary survey for a law enforcement officer, as defined in Section 53-13-103, a  
1967 correctional officer, as defined in Section 53-13-104, or a dispatcher, as defined in Section  
1968 53-6-102, shall at minimum include the three largest political subdivisions in the state that  
1969 employ, respectively, comparable positions.
- 1970 (C) The salary survey for an examiner or supervisor described in Title 7, Chapter 1,  
1971 Part 2, Department of Financial Institutions, shall at minimum include the Federal Deposit  
1972 Insurance Corporation, Federal Reserve, and National Credit Union Administration.
- 1973 (ii) The director may cooperate with or participate in any survey conducted by other  
1974 public and private employers.
- 1975 (iii) The director shall obtain information for the purpose of constructing the survey  
1976 from the Division of Workforce Information and Payment Services and shall include employer  
1977 name, number of persons employed by the employer, employer contact information and job  
1978 titles, county code, and salary if available.
- 1979 (iv) The division shall acquire and protect the needed records in compliance with the  
1980 provisions of Section 35A-4-312.
- 1981 (d) The director may incorporate any other relevant information in the plan described  
1982 in Subsection (5)(a), including information on staff turnover, recruitment data, or external  
1983 market trends.
- 1984 (e) The director shall:
- 1985 (i) establish criteria to assure the adequacy and accuracy of data used to make  
1986 recommendations described in this Subsection (5); and
- 1987 (ii) when preparing recommendations use accepted methodologies and techniques  
1988 similar to and consistent with those used in the private sector.
- 1989 (f) (i) Upon request and subject to Subsection (5)(f)(ii), the division shall make

1990 available foundational information used by the division or director in the drafting of a plan  
1991 described in Subsection (5)(a), including:

1992 (A) demographic and labor market information;

1993 (B) information on employee turnover;

1994 (C) salary information;

1995 (D) information on recruitment; and

1996 (E) geographic data.

1997 (ii) The division may not provide under Subsection (5)(f)(i) information or other data  
1998 that is proprietary or otherwise protected under the terms of a contract or by law.

1999 (g) The governor shall:

2000 (i) consider salary and structure adjustments recommended under Subsection (5)(b) in  
2001 preparing the executive budget and shall recommend the method of distributing the  
2002 adjustments;

2003 (ii) submit compensation recommendations to the Legislature; and

2004 (iii) support the recommendation with schedules indicating the cost to individual  
2005 departments and the source of funds.

2006 (h) If funding is approved by the Legislature in a general appropriations act, the  
2007 adjustments take effect on the July 1 following the enactment unless otherwise indicated.

2008 (6) (a) The director shall ~~issue~~ make rules, in accordance with Title 63G, Chapter 3,  
2009 Utah Administrative Rulemaking Act, for the granting of incentive awards, including awards  
2010 for cost saving actions, awards for commendable actions by an employee, or a market-based  
2011 award to attract or retain employees.

2012 (b) An agency may not grant a market-based award unless the award is previously  
2013 approved by the division.

2014 (c) In accordance with Subsection (6)(b), an agency requesting the division's approval  
2015 of a market-based award shall submit a request and documentation, subject to Subsection  
2016 (6)(d), to the division.

2017 (d) In the documentation required in Subsection (6)(c), the requesting agency shall

2018 identify for the division:

2019 (i) any benefit the market-based award would provide for the agency, including:

2020 (A) budgetary advantages; or

2021 (B) recruitment advantages;

2022 (ii) a mission critical need to attract or retain unique or hard to find skills in the market;

2023 or

2024 (iii) any other advantage the agency would gain through the utilization of a

2025 market-based award.

2026 (7) (a) The director shall regularly evaluate the total compensation program of state  
2027 employees in the classified service.

2028 (b) The division shall determine if employee benefits are comparable to those offered  
2029 by other private and public employers using information from:

2030 (i) a study conducted by a third-party consultant; or

2031 (ii) the most recent edition of a nationally recognized benefits survey.

2032 Section 48. Section **63A-17-806** is amended to read:

2033 **63A-17-806. Definitions -- Infant at Work Pilot Program -- Administration --**  
2034 **Report.**

2035 (1) As used in this section:

2036 (a) "Eligible employee" means an employee who has been employed by the  
2037 Department of Health for a minimum of:

2038 (i) 12 consecutive months; and

2039 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately  
2040 preceding the day on which the employee applies for participation in the program.

2041 (b) "Infant" means a baby that is at least six weeks of age and no more than six months  
2042 of age.

2043 (c) "Parent" means:

2044 (i) a biological or adoptive parent of an infant; or

2045 (ii) an individual who has an infant placed in the individual's foster care by the

2046 Division of Child and Family Services.

2047 (d) "Program" means the Infant at Work Pilot Program established in this section.

2048 (2) There is created the Infant at Work Pilot Program for eligible employees.

2049 (3) The program shall:

2050 (a) allow an eligible employee to bring the eligible employee's infant to work subject to  
2051 the provisions of this section;

2052 (b) be administered by the division; and

2053 (c) be implemented for a minimum of one year.

2054 (4) The division shall establish an application process for eligible employees of the  
2055 Department of Health to apply to the program that includes:

2056 (a) a process for evaluating whether an eligible employee's work environment is  
2057 appropriate for an infant;

2058 (b) guidelines for infant health and safety; and

2059 (c) guidelines regarding an eligible employee's initial and ongoing participation in the  
2060 program.

2061 (5) If the division approves the eligible employee for participation in the program, the  
2062 eligible employee shall have the sole responsibility for the care and safety of the infant at the  
2063 workplace.

2064 (6) The division may not require the Department of Health to designate or set aside  
2065 space for an eligible employee's infant other than the eligible employee's existing work space.

2066 (7) The division, in consultation with the Department of Health, shall [~~adopt~~] make  
2067 rules that the department determines necessary to establish the program in accordance with  
2068 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2069 (8) On or before June 30, 2022, the division, in consultation with the Department of  
2070 Health, shall submit a written report to the Business and Labor Interim Committee that  
2071 describes the efficacy of the program, including any recommendations for additional legislative  
2072 action.

2073 Section 49. Section **63A-17-1004** is amended to read:

2074 **63A-17-1004. Drug testing of state employees.**

2075 (1) Except as provided in Subsection (2), when there is reasonable suspicion that an  
2076 employee is using a controlled substance or alcohol unlawfully during work hours, an  
2077 employee may be required to submit to medically accepted testing procedures for a  
2078 determination of whether the employee is using a controlled substance or alcohol in violation  
2079 of this part.

2080 (2) In highly sensitive positions, as identified in department class specifications,  
2081 random drug testing of employees may be conducted by an agency in accordance with the rules  
2082 of the director.

2083 (3) All drug or alcohol testing shall be:

2084 (a) conducted by a federally certified and licensed physician, a federally certified and  
2085 licensed medical clinic, or testing facility federally certified and licensed to conduct medically  
2086 accepted drug testing; and

2087 (b) conducted in accordance with the rules of the director made under Section  
2088 [63A-17-1002](#) [~~; and~~].

2089 [~~(c) kept confidential in accordance with the rules of the director made in accordance~~  
2090 ~~with Section [63A-17-1002](#).]~~

2091 (4) A record relating to drug or alcohol testing of a state employee is classified as a  
2092 private record under Section [63G-2-302](#).

2093 [~~(4)~~] (5) A physician, medical clinic, or testing facility may not be held liable in any  
2094 civil action brought by a party for:

2095 (a) performing or failing to perform a test under this section;

2096 (b) issuing or failing to issue a test result under this section; or

2097 (c) acting or omitting to act in any other way in good faith under this section.

2098 Section 50. Section **63G-2-302** is amended to read:

2099 **63G-2-302. Private records.**

2100 (1) The following records are private:

2101 (a) records concerning an individual's eligibility for unemployment insurance benefits,

2102 social services, welfare benefits, or the determination of benefit levels;

2103 (b) records containing data on individuals describing medical history, diagnosis,  
2104 condition, treatment, evaluation, or similar medical data;

2105 (c) records of publicly funded libraries that when examined alone or with other records  
2106 identify a patron;

2107 (d) records received by or generated by or for:

2108 (i) the Independent Legislative Ethics Commission, except for:

2109 (A) the commission's summary data report that is required under legislative rule; and  
2110 (B) any other document that is classified as public under legislative rule; or

2111 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
2112 unless the record is classified as public under legislative rule;

2113 (e) records received by, or generated by or for, the Independent Executive Branch  
2114 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
2115 of Executive Branch Ethics Complaints;

2116 (f) records received or generated for a Senate confirmation committee concerning  
2117 character, professional competence, or physical or mental health of an individual:

2118 (i) if, prior to the meeting, the chair of the committee determines release of the records:

2119 (A) reasonably could be expected to interfere with the investigation undertaken by the  
2120 committee; or

2121 (B) would create a danger of depriving a person of a right to a fair proceeding or  
2122 impartial hearing; and

2123 (ii) after the meeting, if the meeting was closed to the public;

2124 (g) employment records concerning a current or former employee of, or applicant for  
2125 employment with, a governmental entity that would disclose that individual's home address,  
2126 home telephone number, social security number, insurance coverage, marital status, or payroll  
2127 deductions;

2128 (h) records or parts of records under Section [63G-2-303](#) that a current or former  
2129 employee identifies as private according to the requirements of that section;

- 2130 (i) that part of a record indicating a person's social security number or federal employer
- 2131 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
- 2132 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 2133 (j) that part of a voter registration record identifying a voter's:
- 2134 (i) driver license or identification card number;
- 2135 (ii) social security number, or last four digits of the social security number;
- 2136 (iii) email address;
- 2137 (iv) date of birth; or
- 2138 (v) phone number;
- 2139 (k) a voter registration record that is classified as a private record by the lieutenant
- 2140 governor or a county clerk under Subsection [20A-2-101.1\(5\)\(a\)](#), [20A-2-104\(4\)\(h\)](#), or
- 2141 [20A-2-204\(4\)\(b\)](#);
- 2142 (l) a voter registration record that is withheld under Subsection [20A-2-104\(7\)](#);
- 2143 (m) a withholding request form described in Subsections [20A-2-104\(7\)](#) and (8) and any
- 2144 verification submitted in support of the form;
- 2145 (n) a record that:
- 2146 (i) contains information about an individual;
- 2147 (ii) is voluntarily provided by the individual; and
- 2148 (iii) goes into an electronic database that:
- 2149 (A) is designated by and administered under the authority of the Chief Information
- 2150 Officer; and
- 2151 (B) acts as a repository of information about the individual that can be electronically
- 2152 retrieved and used to facilitate the individual's online interaction with a state agency;
- 2153 (o) information provided to the Commissioner of Insurance under:
- 2154 (i) Subsection [31A-23a-115\(3\)\(a\)](#);
- 2155 (ii) Subsection [31A-23a-302\(4\)](#); or
- 2156 (iii) Subsection [31A-26-210\(4\)](#);
- 2157 (p) information obtained through a criminal background check under Title 11, Chapter

- 2158 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 2159 (q) information provided by an offender that is:
- 2160 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 2161 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
- 2162 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
- 2163 77-43-108(4);
- 2164 (r) a statement and any supporting documentation filed with the attorney general in
- 2165 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
- 2166 homeland security;
- 2167 (s) electronic toll collection customer account information received or collected under
- 2168 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
- 2169 collected by a public transit district, including contact and payment information and customer
- 2170 travel data;
- 2171 (t) an email address provided by a military or overseas voter under Section
- 2172 20A-16-501;
- 2173 (u) a completed military-overseas ballot that is electronically transmitted under Title
- 2174 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 2175 (v) records received by or generated by or for the Political Subdivisions Ethics Review
- 2176 Commission established in Section 63A-15-201, except for:
- 2177 (i) the commission's summary data report that is required in Section 63A-15-202; and
- 2178 (ii) any other document that is classified as public in accordance with Title 63A,
- 2179 Chapter 15, Political Subdivisions Ethics Review Commission;
- 2180 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of
- 2181 an incident or threat;
- 2182 (x) a criminal background check or credit history report conducted in accordance with
- 2183 Section 63A-3-201;
- 2184 (y) a record described in Subsection 53-5a-104(7);
- 2185 (z) on a record maintained by a county for the purpose of administering property taxes,

2186 an individual's:

2187 (i) email address;

2188 (ii) phone number; or

2189 (iii) personal financial information related to a person's payment method;

2190 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an

2191 exemption, deferral, abatement, or relief under:

2192 (i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;

2193 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;

2194 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or

2195 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions; [~~and~~]

2196 (bb) a record provided by the State Tax Commission in response to a request under

2197 Subsection [59-1-403\(4\)\(y\)\(iii\)\[-\]](#); and

2198 (cc) a record relating to drug or alcohol testing of a state employee under Section

2199 [63A-17-1004](#).

2200 (2) The following records are private if properly classified by a governmental entity:

2201 (a) records concerning a current or former employee of, or applicant for employment

2202 with a governmental entity, including performance evaluations and personal status information

2203 such as race, religion, or disabilities, but not including records that are public under Subsection

2204 [63G-2-301\(2\)\(b\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);

2205 (b) records describing an individual's finances, except that the following are public:

2206 (i) records described in Subsection [63G-2-301\(2\)](#);

2207 (ii) information provided to the governmental entity for the purpose of complying with

2208 a financial assurance requirement; or

2209 (iii) records that must be disclosed in accordance with another statute;

2210 (c) records of independent state agencies if the disclosure of those records would

2211 conflict with the fiduciary obligations of the agency;

2212 (d) other records containing data on individuals the disclosure of which constitutes a

2213 clearly unwarranted invasion of personal privacy;

2214 (e) records provided by the United States or by a government entity outside the state  
2215 that are given with the requirement that the records be managed as private records, if the  
2216 providing entity states in writing that the record would not be subject to public disclosure if  
2217 retained by it;

2218 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
2219 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
2220 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

2221 (g) audio and video recordings created by a body-worn camera, as defined in Section  
2222 77-7a-103, that record sound or images inside a home or residence except for recordings that:

2223 (i) depict the commission of an alleged crime;

2224 (ii) record any encounter between a law enforcement officer and a person that results in  
2225 death or bodily injury, or includes an instance when an officer fires a weapon;

2226 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
2227 against a law enforcement officer or law enforcement agency;

2228 (iv) contain an officer involved critical incident as defined in Subsection  
2229 76-2-408(1)(f); or

2230 (v) have been requested for reclassification as a public record by a subject or  
2231 authorized agent of a subject featured in the recording.

2232 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
2233 records, statements, history, diagnosis, condition, treatment, and evaluation.

2234 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
2235 doctors, or affiliated entities are not private records or controlled records under Section  
2236 63G-2-304 when the records are sought:

2237 (i) in connection with any legal or administrative proceeding in which the patient's  
2238 physical, mental, or emotional condition is an element of any claim or defense; or

2239 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
2240 relies upon the condition as an element of the claim or defense.

2241 (c) Medical records are subject to production in a legal or administrative proceeding

2242 according to state or federal statutes or rules of procedure and evidence as if the medical  
2243 records were in the possession of a nongovernmental medical care provider.

2244 Section 51. Section **63I-5-201 (Superseded 07/01/22)** is amended to read:

2245 **63I-5-201 (Superseded 07/01/22). Internal auditing programs -- State agencies.**

2246 (1) (a) The departments of [~~Administrative Services~~] Government Operations,  
2247 Agriculture, Commerce, Cultural and Community Engagement, Corrections, Workforce  
2248 Services, Environmental Quality, Health, Human Services, Natural Resources, Public Safety,  
2249 and Transportation, and the State Tax Commission shall conduct various types of auditing  
2250 procedures as determined by the agency head or governor.

2251 (b) The governor may, by executive order, require a state agency not described in  
2252 Subsection (1)(a) to establish an internal audit program.

2253 (c) The governor shall ensure that each state agency that reports to the governor has  
2254 adequate internal audit coverage.

2255 (2) (a) The Administrative Office of the Courts shall establish an internal audit  
2256 program under the direction of the Judicial Council, including auditing procedures for courts  
2257 not of record.

2258 (b) The Judicial Council may, by rule, require other judicial agencies to establish an  
2259 internal audit program.

2260 (3) (a) Dixie State University, the University of Utah, Utah State University, Salt Lake  
2261 Community College, Southern Utah University, Utah Valley University, Weber State  
2262 University, and Snow College shall establish an internal audit program under the direction of  
2263 the Utah Board of Higher Education.

2264 (b) The Utah Board of Higher Education may issue policies requiring other higher  
2265 education entities or programs to establish an internal audit program.

2266 (4) The State Board of Education shall establish an internal audit program that provides  
2267 internal audit services for each program administered by the State Board of Education.

2268 (5) Subject to Section [32B-2-302.5](#), the internal audit division of the Department of  
2269 Alcoholic Beverage Control shall establish an internal audit program under the direction of the

2270 Alcoholic Beverage Control Commission.

2271 Section 52. Section **63I-5-201 (Effective 07/01/22)** is amended to read:

2272 **63I-5-201 (Effective 07/01/22). Internal auditing programs -- State agencies.**

2273 (1) (a) The departments of [~~Administrative Services~~] Government Operations,  
2274 Agriculture, Commerce, Cultural and Community Engagement, Corrections, Workforce  
2275 Services, Environmental Quality, Health, Human Services, Natural Resources, Public Safety,  
2276 and Transportation, and the State Tax Commission shall conduct various types of auditing  
2277 procedures as determined by the agency head or governor.

2278 (b) The governor may, by executive order, require a state agency not described in  
2279 Subsection (1)(a) to establish an internal audit program.

2280 (c) The governor shall ensure that each state agency that reports to the governor has  
2281 adequate internal audit coverage.

2282 (2) (a) The Administrative Office of the Courts shall establish an internal audit  
2283 program under the direction of the Judicial Council, including auditing procedures for courts  
2284 not of record.

2285 (b) The Judicial Council may, by rule, require other judicial agencies to establish an  
2286 internal audit program.

2287 (3) (a) Utah Tech University, the University of Utah, Utah State University, Salt Lake  
2288 Community College, Southern Utah University, Utah Valley University, Weber State  
2289 University, and Snow College shall establish an internal audit program under the direction of  
2290 the Utah Board of Higher Education.

2291 (b) The Utah Board of Higher Education may issue policies requiring other higher  
2292 education entities or programs to establish an internal audit program.

2293 (4) The State Board of Education shall establish an internal audit program that provides  
2294 internal audit services for each program administered by the State Board of Education.

2295 (5) Subject to Section **32B-2-302.5**, the internal audit division of the Department of  
2296 Alcoholic Beverage Control shall establish an internal audit program under the direction of the  
2297 Alcoholic Beverage Control Commission.

2298 Section 53. Section 67-3-12 is amended to read:

2299 **67-3-12. Utah Public Finance Website -- Establishment and administration --**  
2300 **Records disclosure -- Exceptions.**

2301 (1) As used in this section:

2302 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same  
2303 as that term is defined in Section 63E-1-102.

2304 (ii) "Independent entity" includes an entity that is part of an independent entity  
2305 described in Subsection (1)(a)(i), if the entity is considered a component unit of the  
2306 independent entity under the governmental accounting standards issued by the Governmental  
2307 Accounting Standards Board.

2308 (iii) "Independent entity" does not include the Utah State Retirement Office created in  
2309 Section 49-11-201.

2310 (b) "Local education agency" means a school district or charter school.

2311 (c) "Participating local entity" means:

2312 (i) a county;

2313 (ii) a municipality;

2314 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -  
2315 Local Districts;

2316 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

2317 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

2318 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District  
2319 Act;

2320 (vii) except for a taxed interlocal entity as defined in Section 11-13-602:

2321 (A) an interlocal entity as defined in Section 11-13-103;

2322 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or

2323 (C) any project, program, or undertaking entered into by interlocal agreement in  
2324 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

2325 (viii) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that

2326 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a  
2327 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the  
2328 governmental accounting standards issued by the Governmental Accounting Standards Board;  
2329 or

2330 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.

2331 (d) (i) "Participating state entity" means the state of Utah, including its executive,  
2332 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,  
2333 councils, committees, and institutions.

2334 (ii) "Participating state entity" includes an entity that is part of an entity described in  
2335 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in  
2336 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental  
2337 Accounting Standards Board.

2338 (e) "Public finance website" or "website" means the website established by the state  
2339 auditor in accordance with this section.

2340 (f) "Public financial information" means each record that is required under this section  
2341 or by rule made by the Office of the State Auditor under Subsection (8) to be made available on  
2342 the public finance website, a participating local entity's website, or an independent entity's  
2343 website.

2344 (g) "Qualifying entity" means:

2345 (i) an independent entity;

2346 (ii) a participating local entity;

2347 (iii) a participating state entity;

2348 (iv) a local education agency;

2349 (v) a state institution of higher education as defined in Section [53B-3-102](#);

2350 (vi) the Utah Educational Savings Plan created in Section ~~[58B-8a-103](#)~~ [53B-8a-103](#);

2351 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);

2352 (viii) the School and Institutional Trust Lands Administration created in Section  
2353 [53C-1-201](#);

- 2354 (ix) the Utah Capital Investment Corporation created in Section 63N-6-301; or
- 2355 (x) a URS-participating employer.
- 2356 (h) (i) "URS-participating employer" means an entity that:
- 2357 (A) is a participating entity, as that term is defined in Section 49-11-102; and
- 2358 (B) is not required to report public financial information under this section as a
- 2359 qualifying entity described in Subsections (1)(g)(i) through (ix).
- 2360 (ii) "URS-participating employer" does not include:
- 2361 (A) the Utah State Retirement Office created in Section 49-11-201; or
- 2362 (B) a withdrawing entity.
- 2363 (i) (i) "Withdrawing entity" means an entity that elects to withdraw from participation
- 2364 in a system or plan under Title 49, Chapter 11, Part 6, Procedures and Records.
- 2365 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in
- 2366 Sections 49-11-623 and 49-11-624.
- 2367 (2) The state auditor shall establish and maintain a public finance website in
- 2368 accordance with this section.
- 2369 (3) The website shall:
- 2370 (a) permit Utah taxpayers to:
- 2371 (i) view, understand, and track the use of taxpayer dollars by making public financial
- 2372 information available on the Internet for participating state entities, independent entities,
- 2373 participating local entities, and URS-participating employers, using the website; and
- 2374 (ii) link to websites administered by participating local entities, independent entities, or
- 2375 URS-participating employers that do not use the website for the purpose of providing public
- 2376 financial information as required by this section and by rule made under Subsection [~~(8)~~] (9);
- 2377 (b) allow a person that has Internet access to use the website without paying a fee;
- 2378 (c) allow the public to search public financial information on the website;
- 2379 (d) provide access to financial reports, financial audits, budgets, or other financial
- 2380 documents that are used to allocate, appropriate, spend, and account for government funds, as
- 2381 may be established by rule made in accordance with Subsection (9);

- 2382 (e) have a unique and simplified website address;
- 2383 (f) be guided by the principles described in Subsection [63A-16-202\(2\)](#);
- 2384 (g) include other links, features, or functionality that will assist the public in obtaining  
2385 and reviewing public financial information, as may be established by rule made under  
2386 Subsection (9); and
- 2387 (h) include a link to school report cards published on the State Board of Education's  
2388 website under Section [53E-5-211](#).
- 2389 (4) The state auditor shall:
- 2390 (a) establish and maintain the website, including the provision of equipment, resources,  
2391 and personnel as necessary;
- 2392 (b) maintain an archive of all information posted to the website;
- 2393 (c) coordinate and process the receipt and posting of public financial information from  
2394 participating state entities; and
- 2395 (d) coordinate and regulate the posting of public financial information by participating  
2396 local entities and independent entities.
- 2397 (5) A qualifying entity shall permit the public to view the qualifying entity's public  
2398 financial information by posting the public financial information to the public finance website  
2399 in accordance with rules made under Subsection (9).
- 2400 (6) The content of the public financial information posted to the public finance website  
2401 is the responsibility of the qualifying entity posting the public financial information.
- 2402 (7) A URS-participating employer shall provide employee compensation information  
2403 for each fiscal year ending on or after June 30, 2022:
- 2404 (a) to the state auditor for posting on the Utah Public Finance Website; or
- 2405 (b) (i) through the URS-participating employer's own website; and
- 2406 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state  
2407 auditor for posting on the Utah Public Finance Website.
- 2408 (8) (a) A qualifying entity may not post financial information that is classified as  
2409 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and

2410 Management Act, to the public finance website.

2411 (b) An individual who negligently discloses financial information that is classified as  
2412 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and  
2413 Management Act, is not criminally or civilly liable for an improper disclosure of the financial  
2414 information if the financial information is disclosed solely as a result of the preparation or  
2415 publication of the website.

2416 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2417 Office of the State Auditor:

2418 (a) shall make rules to:

2419 (i) establish which records a qualifying entity is required to post to the public finance  
2420 website; and

2421 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting  
2422 public financial information on the public finance website; and

2423 (b) may make rules governing when a qualifying entity is required to disclose an  
2424 expenditure made by a person under contract with the qualifying entity, including the form and  
2425 content of the disclosure.

2426 (10) The rules made under Subsection (9) shall only require a URS-participating  
2427 employer to provide employee compensation information for each fiscal year ending on or after  
2428 June 30, 2022:

2429 (a) to the state auditor for posting on the public finance website; or

2430 (b) (i) through the URS-participating employer's own website; and

2431 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state  
2432 auditor for posting on the public finance website.

2433 Section 54. Section **67-19a-101** is amended to read:

2434 **67-19a-101. Definitions.**

2435 As used in this chapter:

2436 (1) "Abusive conduct" means the same as that term is defined in Section [67-26-102](#).

2437 (2) "Administrator" means the person appointed under Section [67-19a-201](#) to head the

2438 Career Service Review Office.

2439 (3) "Career service employee" means a person employed in career service as defined in  
2440 Section ~~[67-19-3]~~ [63A-17-102](#).

2441 (4) "Division" means the Division of Human Resource Management.

2442 (5) "Employer" means the state of Utah and all supervisory personnel vested with the  
2443 authority to implement and administer the policies of an agency.

2444 (6) "Excusable neglect" means harmless error, mistake, inadvertence, surprise, a failure  
2445 to discover evidence that, through due diligence, could not have been discovered in time to  
2446 meet the applicable time period, misrepresentation or misconduct by the employer, or any other  
2447 reason justifying equitable relief.

2448 (7) "Grievance" means:

2449 (a) a complaint by a career service employee concerning any matter touching upon the  
2450 relationship between the employee and the employer;

2451 (b) any dispute between a career service employee and the employer;

2452 (c) a complaint by a reporting employee that a public entity has engaged in retaliatory  
2453 action against the reporting employee; and

2454 (d) a complaint that the employer subjected the employee to conditions that a  
2455 reasonable person would consider intolerable, including abusive conduct.

2456 (8) "Office" means the Career Service Review Office created under Section  
2457 [67-19a-201](#).

2458 (9) "Public entity" means the same as that term is defined in Section [67-21-2](#).

2459 (10) "Reporting employee" means an employee of a public entity who alleges that the  
2460 public entity engaged in retaliatory action against the employee.

2461 (11) "Retaliatory action" means to do any of the following to an employee in violation  
2462 of Section [67-21-3](#):

2463 (a) dismiss the employee;

2464 (b) reduce the employee's compensation;

2465 (c) fail to increase the employee's compensation by an amount that the employee is

2466 otherwise entitled to or was promised;

2467 (d) fail to promote the employee if the employee would have otherwise been promoted;

2468 or

2469 (e) threaten to take an action described in Subsections (11)(a) through (d).

2470 (12) "Supervisor" means the person:

2471 (a) to whom an employee reports; or

2472 (b) who assigns and oversees an employee's work.

2473 Section 55. Section **67-27-101** is enacted to read:

2474 **CHAPTER 27. GENERAL REQUIREMENTS FOR STATE OFFICERS AND**  
2475 **EMPLOYEES**

2476 **67-27-101. Title**

2477 This chapter is known as "General Requirements for State Officers and Employees."

2478 Section 56. Section **67-27-102**, which is renumbered from Section 63A-17-901 is

2479 renumbered and amended to read:

2480 ~~[63A-17-901].~~ **67-27-102. Definitions.**

2481 As used in this [part] chapter:

2482 (1) "Career service employee" means the same as that term is defined in Section  
2483 [63A-17-102](#).

2484 (2) "Executive branch elected official" means:

2485 (a) the governor;

2486 (b) the lieutenant governor;

2487 (c) the attorney general;

2488 (d) the state treasurer; or

2489 (e) the state auditor.

2490 (3) "Executive branch official" means an individual who:

2491 (a) is a management level employee of an executive branch elected official; and

2492 (b) is not a career service employee.

2493 (4) "State agency" means a department, division, board, council, committee, institution,

2494 office, bureau, or other similar administrative unit of the executive branch of state government.

2495 Section 57. Section **67-27-103**, which is renumbered from Section 63A-17-902 is  
2496 renumbered and amended to read:

2497 ~~[63A-17-902]~~. **67-27-103. State agency work week.**

2498 (1) Except as provided in Subsection (2), and subject to Subsection (3):

2499 (a) a state agency with five or more employees shall, at least nine hours per day on  
2500 Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute to  
2501 another entity of the state, a political subdivision, or the public:

2502 (i) in person;

2503 (ii) online; or

2504 (iii) by telephone; and

2505 (b) a state agency with fewer than five employees shall, at least eight hours per day on  
2506 Monday, Tuesday, Wednesday, Thursday, and Friday, provide a service required by statute to  
2507 another entity of the state, a political subdivision, or the public:

2508 (i) in person;

2509 (ii) online; or

2510 (iii) by telephone.

2511 (2) (a) Subsection (1) does not require a state agency to operate a physical location, or  
2512 provide a service, on a holiday established under Section **63G-1-301**.

2513 (b) Except for a legal holiday established under Section **63G-1-301**, the following state  
2514 agencies shall operate at least one physical location, and as many physical locations as  
2515 necessary, at least nine hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday  
2516 to provide a service required by statute to another entity of the state, a political subdivision, or  
2517 the public:

2518 (i) the Division of Technology Services, created in Section **63A-16-103**;

2519 (ii) the Division of Child and Family Services, created in Section **62A-4a-103**; and

2520 (iii) the Office of Guardian Ad Litem, created in Section **78A-2-802**.

2521 (3) A state agency shall make staff available, as necessary, to provide:

2522 (a) services incidental to a court or administrative proceeding, during the hours of  
2523 operation of a court or administrative body, including:

2524 (i) testifying;

2525 (ii) the production of records or evidence; and

2526 (iii) other services normally available to a court or administrative body;

2527 (b) security services; and

2528 (c) emergency services.

2529 (4) This section does not limit the days or hours a state agency may operate.

2530 (5) To provide a service as required by Subsection (1), the chief administrative officer  
2531 of a state agency may determine:

2532 (a) the number of physical locations, if any are required by this section, operating each  
2533 day;

2534 (b) the daily hours of operation of a physical location;

2535 (c) the number of state agency employees who work per day; and

2536 (d) the hours a state agency employee works per day.

2537 (6) To provide a service as required by Subsection (2)(b), the chief administrative  
2538 officer of a state agency, or a person otherwise designated by law, may determine:

2539 (a) the number of physical locations operating each day;

2540 (b) the daily hours of operation, as required by Subsection (2)(b), of each physical  
2541 location;

2542 (c) the number of state agency employees who work per day; and

2543 (d) the hours a state agency employee works per day.

2544 (7) A state agency shall:

2545 (a) provide information, accessible from a conspicuous link on the home page of the  
2546 state agency's website, on a method that a person may use to schedule an in-person meeting  
2547 with a representative of the state agency; and

2548 (b) except as provided in Subsection (8), as soon as reasonably possible:

2549 (i) contact a person who makes a request for an in-person meeting; and

2550 (ii) when appropriate, schedule and hold an in-person meeting with the person that  
2551 requests an in-person meeting.

2552 (8) A state agency is not required to comply with Subsection (7)(b) to the extent that  
2553 the contact or meeting:

2554 (a) would constitute a conflict of interest;

2555 (b) would conflict or interfere with a procurement governed by Title 63G, Chapter 6a,  
2556 Utah Procurement Code;

2557 (c) would violate an ethical requirement of the state agency or an employee of the state  
2558 agency; or

2559 (d) would constitute a violation of law.

2560 Section 58. Section **67-27-104**, which is renumbered from Section 63A-17-903 is  
2561 renumbered and amended to read:

2562 ~~[63A-17-903]~~. **67-27-104. Restrictions on outside employment by executive**  
2563 **branch employees.**

2564 (1) An employee who is under the direction or control of an executive branch elected  
2565 official may not engage in outside employment that:

2566 (a) constitutes a conflict of interest;

2567 (b) interferes with the ability of the employee to fulfill the employee's job  
2568 responsibilities;

2569 (c) constitutes the provision of political services, political consultation, or lobbying;

2570 (d) involves the provision of consulting services, legal services, or other services to a  
2571 person that the employee could, within the course and scope of the employee's primary  
2572 employment, provide to the person; or

2573 (e) interferes with the hours that the employee is expected to perform work under the  
2574 direction or control of an executive branch elected official, unless the employee takes  
2575 authorized personal leave during the time that the person engages in the outside employment.

2576 (2) An executive branch official shall be subject to the same restrictions on outside  
2577 employment as a career service employee.

2578 (3) This section does not prohibit an employee from advocating the position of the  
2579 state office that employs the employee regarding legislative action or other government action.

2580 Section 59. **Repealer.**

2581 This bill repeals:

2582 Section **63A-16-106, Offices within the division -- Administration.**

2583 Section **63A-16-212, Agency services -- Chief information officer manages.**

2584 Section **63A-16-213, Duties of the division -- Agency services.**

2585 Section **63A-16-401, Definitions.**

2586 Section **63A-16-402, Enterprise technology -- Chief information officer manages.**

2587 Section **63A-16-403, Duties of the division -- Enterprise technology.**

2588 Section **63A-16-502, Office of Integrated Technology.**

2589 Section **63A-16-503, Duties of the division -- Integrated technology.**

2590 Section 60. **Effective date.**

2591 This bill takes effect on May 4, 2022, except that Section **63I-5-201** (Effective

2592 07/01/22) takes effect on July 1, 2022.