

Senator Daniel McCay proposes the following substitute bill:

GOLF COURSE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Jon Hawkins

LONG TITLE

General Description:

This bill addresses water use by and management of golf courses.

Highlighted Provisions:

This bill:

- ▶ makes water data regarding golf courses a protected record under Government Records Access and Management Act;
- ▶ defines terms;
- ▶ requires a study of water use by golf courses;
- ▶ outlines process to be followed in conducting and reporting on the study;
- ▶ requires the Division of State Parks to develop a master plan for state-owned golf courses and to report on the master plan; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [63G-2-305](#), as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329

27 ENACTS:

28 [79-4-207](#), Utah Code Annotated 1953

29

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

31 Section 1. Section [63G-2-305](#) is amended to read:

32 **[63G-2-305](#). Protected records.**

33 The following records are protected if properly classified by a governmental entity:

34 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
35 has provided the governmental entity with the information specified in Section [63G-2-309](#);

36 (2) commercial information or nonindividual financial information obtained from a
37 person if:

38 (a) disclosure of the information could reasonably be expected to result in unfair
39 competitive injury to the person submitting the information or would impair the ability of the
40 governmental entity to obtain necessary information in the future;

41 (b) the person submitting the information has a greater interest in prohibiting access
42 than the public in obtaining access; and

43 (c) the person submitting the information has provided the governmental entity with
44 the information specified in Section [63G-2-309](#);

45 (3) commercial or financial information acquired or prepared by a governmental entity
46 to the extent that disclosure would lead to financial speculations in currencies, securities, or
47 commodities that will interfere with a planned transaction by the governmental entity or cause
48 substantial financial injury to the governmental entity or state economy;

49 (4) records, the disclosure of which could cause commercial injury to, or confer a
50 competitive advantage upon a potential or actual competitor of, a commercial project entity as
51 defined in Subsection [11-13-103\(4\)](#);

52 (5) test questions and answers to be used in future license, certification, registration,
53 employment, or academic examinations;

54 (6) records, the disclosure of which would impair governmental procurement
55 proceedings or give an unfair advantage to any person proposing to enter into a contract or
56 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this

57 Subsection (6) does not restrict the right of a person to have access to, after the contract or
58 grant has been awarded and signed by all parties:

59 (a) a bid, proposal, application, or other information submitted to or by a governmental
60 entity in response to:

- 61 (i) an invitation for bids;
- 62 (ii) a request for proposals;
- 63 (iii) a request for quotes;
- 64 (iv) a grant; or
- 65 (v) other similar document; or

66 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

67 (7) information submitted to or by a governmental entity in response to a request for
68 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
69 the right of a person to have access to the information, after:

70 (a) a contract directly relating to the subject of the request for information has been
71 awarded and signed by all parties; or

72 (b) (i) a final determination is made not to enter into a contract that relates to the
73 subject of the request for information; and

74 (ii) at least two years have passed after the day on which the request for information is
75 issued;

76 (8) records that would identify real property or the appraisal or estimated value of real
77 or personal property, including intellectual property, under consideration for public acquisition
78 before any rights to the property are acquired unless:

79 (a) public interest in obtaining access to the information is greater than or equal to the
80 governmental entity's need to acquire the property on the best terms possible;

81 (b) the information has already been disclosed to persons not employed by or under a
82 duty of confidentiality to the entity;

83 (c) in the case of records that would identify property, potential sellers of the described
84 property have already learned of the governmental entity's plans to acquire the property;

85 (d) in the case of records that would identify the appraisal or estimated value of
86 property, the potential sellers have already learned of the governmental entity's estimated value
87 of the property; or

88 (e) the property under consideration for public acquisition is a single family residence
89 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
90 the property as required under Section 78B-6-505;

91 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
92 compensated transaction of real or personal property including intellectual property, which, if
93 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
94 of the subject property, unless:

95 (a) the public interest in access is greater than or equal to the interests in restricting
96 access, including the governmental entity's interest in maximizing the financial benefit of the
97 transaction; or

98 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
99 the value of the subject property have already been disclosed to persons not employed by or
100 under a duty of confidentiality to the entity;

101 (10) records created or maintained for civil, criminal, or administrative enforcement
102 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
103 release of the records:

104 (a) reasonably could be expected to interfere with investigations undertaken for
105 enforcement, discipline, licensing, certification, or registration purposes;

106 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
107 proceedings;

108 (c) would create a danger of depriving a person of a right to a fair trial or impartial
109 hearing;

110 (d) reasonably could be expected to disclose the identity of a source who is not
111 generally known outside of government and, in the case of a record compiled in the course of
112 an investigation, disclose information furnished by a source not generally known outside of
113 government if disclosure would compromise the source; or

114 (e) reasonably could be expected to disclose investigative or audit techniques,
115 procedures, policies, or orders not generally known outside of government if disclosure would
116 interfere with enforcement or audit efforts;

117 (11) records the disclosure of which would jeopardize the life or safety of an
118 individual;

119 (12) records the disclosure of which would jeopardize the security of governmental
120 property, governmental programs, or governmental recordkeeping systems from damage, theft,
121 or other appropriation or use contrary to law or public policy;

122 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
123 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
124 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

125 (14) records that, if disclosed, would reveal recommendations made to the Board of
126 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
127 Board of Pardons and Parole, or the Department of Health and Human Services that are based
128 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the
129 board's jurisdiction;

130 (15) records and audit workpapers that identify audit, collection, and operational
131 procedures and methods used by the State Tax Commission, if disclosure would interfere with
132 audits or collections;

133 (16) records of a governmental audit agency relating to an ongoing or planned audit
134 until the final audit is released;

135 (17) records that are subject to the attorney client privilege;

136 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
137 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
138 quasi-judicial, or administrative proceeding;

139 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
140 from a member of the Legislature; and

141 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
142 legislative action or policy may not be classified as protected under this section; and

143 (b) (i) an internal communication that is part of the deliberative process in connection
144 with the preparation of legislation between:

145 (A) members of a legislative body;

146 (B) a member of a legislative body and a member of the legislative body's staff; or

147 (C) members of a legislative body's staff; and

148 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
149 legislative action or policy may not be classified as protected under this section;

150 (20) (a) records in the custody or control of the Office of Legislative Research and
151 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
152 legislation or contemplated course of action before the legislator has elected to support the
153 legislation or course of action, or made the legislation or course of action public; and

154 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
155 Office of Legislative Research and General Counsel is a public document unless a legislator
156 asks that the records requesting the legislation be maintained as protected records until such
157 time as the legislator elects to make the legislation or course of action public;

158 (21) research requests from legislators to the Office of Legislative Research and
159 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
160 in response to these requests;

161 (22) drafts, unless otherwise classified as public;

162 (23) records concerning a governmental entity's strategy about:

163 (a) collective bargaining; or

164 (b) imminent or pending litigation;

165 (24) records of investigations of loss occurrences and analyses of loss occurrences that
166 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
167 Uninsured Employers' Fund, or similar divisions in other governmental entities;

168 (25) records, other than personnel evaluations, that contain a personal recommendation
169 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
170 personal privacy, or disclosure is not in the public interest;

171 (26) records that reveal the location of historic, prehistoric, paleontological, or
172 biological resources that if known would jeopardize the security of those resources or of
173 valuable historic, scientific, educational, or cultural information;

174 (27) records of independent state agencies if the disclosure of the records would
175 conflict with the fiduciary obligations of the agency;

176 (28) records of an institution within the state system of higher education defined in
177 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
178 retention decisions, and promotions, which could be properly discussed in a meeting closed in
179 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
180 the final decisions about tenure, appointments, retention, promotions, or those students

181 admitted, may not be classified as protected under this section;

182 (29) records of the governor's office, including budget recommendations, legislative
183 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
184 policies or contemplated courses of action before the governor has implemented or rejected
185 those policies or courses of action or made them public;

186 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
187 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
188 recommendations in these areas;

189 (31) records provided by the United States or by a government entity outside the state
190 that are given to the governmental entity with a requirement that they be managed as protected
191 records if the providing entity certifies that the record would not be subject to public disclosure
192 if retained by it;

193 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
194 public body except as provided in Section [52-4-206](#);

195 (33) records that would reveal the contents of settlement negotiations but not including
196 final settlements or empirical data to the extent that they are not otherwise exempt from
197 disclosure;

198 (34) memoranda prepared by staff and used in the decision-making process by an
199 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
200 other body charged by law with performing a quasi-judicial function;

201 (35) records that would reveal negotiations regarding assistance or incentives offered
202 by or requested from a governmental entity for the purpose of encouraging a person to expand
203 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
204 person or place the governmental entity at a competitive disadvantage, but this section may not
205 be used to restrict access to a record evidencing a final contract;

206 (36) materials to which access must be limited for purposes of securing or maintaining
207 the governmental entity's proprietary protection of intellectual property rights including patents,
208 copyrights, and trade secrets;

209 (37) the name of a donor or a prospective donor to a governmental entity, including an
210 institution within the state system of higher education defined in Section [53B-1-102](#), and other
211 information concerning the donation that could reasonably be expected to reveal the identity of

212 the donor, provided that:

213 (a) the donor requests anonymity in writing;

214 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
215 classified protected by the governmental entity under this Subsection (37); and

216 (c) except for an institution within the state system of higher education defined in
217 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
218 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
219 over the donor, a member of the donor's immediate family, or any entity owned or controlled
220 by the donor or the donor's immediate family;

221 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
222 73-18-13;

223 (39) a notification of workers' compensation insurance coverage described in Section
224 34A-2-205;

225 (40) (a) the following records of an institution within the state system of higher
226 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
227 or received by or on behalf of faculty, staff, employees, or students of the institution:

228 (i) unpublished lecture notes;

229 (ii) unpublished notes, data, and information:

230 (A) relating to research; and

231 (B) of:

232 (I) the institution within the state system of higher education defined in Section
233 53B-1-102; or

234 (II) a sponsor of sponsored research;

235 (iii) unpublished manuscripts;

236 (iv) creative works in process;

237 (v) scholarly correspondence; and

238 (vi) confidential information contained in research proposals;

239 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
240 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

241 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

242 (41) (a) records in the custody or control of the Office of the Legislative Auditor

243 General that would reveal the name of a particular legislator who requests a legislative audit
244 prior to the date that audit is completed and made public; and

245 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
246 Office of the Legislative Auditor General is a public document unless the legislator asks that
247 the records in the custody or control of the Office of the Legislative Auditor General that would
248 reveal the name of a particular legislator who requests a legislative audit be maintained as
249 protected records until the audit is completed and made public;

250 (42) records that provide detail as to the location of an explosive, including a map or
251 other document that indicates the location of:

252 (a) a production facility; or

253 (b) a magazine;

254 (43) information contained in the statewide database of the Division of Aging and
255 Adult Services created by Section [26B-6-210](#);

256 (44) information contained in the Licensing Information System described in Title 80,
257 Chapter 2, Child Welfare Services;

258 (45) information regarding National Guard operations or activities in support of the
259 National Guard's federal mission;

260 (46) records provided by any pawn or secondhand business to a law enforcement
261 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
262 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

263 (47) information regarding food security, risk, and vulnerability assessments performed
264 by the Department of Agriculture and Food;

265 (48) except to the extent that the record is exempt from this chapter pursuant to Section
266 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
267 prepared or maintained by the Division of Emergency Management, and the disclosure of
268 which would jeopardize:

269 (a) the safety of the general public; or

270 (b) the security of:

271 (i) governmental property;

272 (ii) governmental programs; or

273 (iii) the property of a private person who provides the Division of Emergency

274 Management information;

275 (49) records of the Department of Agriculture and Food that provides for the
276 identification, tracing, or control of livestock diseases, including any program established under
277 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
278 of Animal Disease;

279 (50) as provided in Section 26B-2-408:

280 (a) information or records held by the Department of Health and Human Services
281 related to a complaint regarding a child care program or residential child care which the
282 department is unable to substantiate; and

283 (b) information or records related to a complaint received by the Department of Health
284 and Human Services from an anonymous complainant regarding a child care program or
285 residential child care;

286 (51) unless otherwise classified as public under Section 63G-2-301 and except as
287 provided under Section 41-1a-116, an individual's home address, home telephone number, or
288 personal mobile phone number, if:

289 (a) the individual is required to provide the information in order to comply with a law,
290 ordinance, rule, or order of a government entity; and

291 (b) the subject of the record has a reasonable expectation that this information will be
292 kept confidential due to:

293 (i) the nature of the law, ordinance, rule, or order; and

294 (ii) the individual complying with the law, ordinance, rule, or order;

295 (52) the portion of the following documents that contains a candidate's residential or
296 mailing address, if the candidate provides to the filing officer another address or phone number
297 where the candidate may be contacted:

298 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
299 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
300 20A-9-408.5, 20A-9-502, or 20A-9-601;

301 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

302 (c) a notice of intent to gather signatures for candidacy, described in Section
303 20A-9-408;

304 (53) the name, home address, work addresses, and telephone numbers of an individual

305 that is engaged in, or that provides goods or services for, medical or scientific research that is:

306 (a) conducted within the state system of higher education, as defined in Section

307 [53B-1-102](#); and

308 (b) conducted using animals;

309 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance

310 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a

311 judge meets or exceeds minimum performance standards under Subsection [78A-12-203\(4\)](#), and

312 information disclosed under Subsection [78A-12-203\(5\)\(e\)](#);

313 (55) information collected and a report prepared by the Judicial Performance

314 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter

315 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

316 the information or report;

317 (56) records provided or received by the Public Lands Policy Coordinating Office in

318 furtherance of any contract or other agreement made in accordance with Section [63L-11-202](#);

319 (57) information requested by and provided to the 911 Division under Section

320 [63H-7a-302](#);

321 (58) in accordance with Section [73-10-33](#):

322 (a) a management plan for a water conveyance facility in the possession of the Division
323 of Water Resources or the Board of Water Resources; or

324 (b) an outline of an emergency response plan in possession of the state or a county or
325 municipality;

326 (59) the following records in the custody or control of the Office of Inspector General
327 of Medicaid Services, created in Section [63A-13-201](#):

328 (a) records that would disclose information relating to allegations of personal
329 misconduct, gross mismanagement, or illegal activity of a person if the information or
330 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
331 through other documents or evidence, and the records relating to the allegation are not relied
332 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
333 report or final audit report;

334 (b) records and audit workpapers to the extent they would disclose the identity of a
335 person who, during the course of an investigation or audit, communicated the existence of any

336 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
337 regulation adopted under the laws of this state, a political subdivision of the state, or any
338 recognized entity of the United States, if the information was disclosed on the condition that
339 the identity of the person be protected;

340 (c) before the time that an investigation or audit is completed and the final
341 investigation or final audit report is released, records or drafts circulated to a person who is not
342 an employee or head of a governmental entity for the person's response or information;

343 (d) records that would disclose an outline or part of any investigation, audit survey
344 plan, or audit program; or

345 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
346 investigation or audit;

347 (60) records that reveal methods used by the Office of Inspector General of Medicaid
348 Services, the fraud unit, or the Department of Health and Human Services, to discover
349 Medicaid fraud, waste, or abuse;

350 (61) information provided to the Department of Health and Human Services or the
351 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
352 58-68-304(3) and (4);

353 (62) a record described in Section 63G-12-210;

354 (63) captured plate data that is obtained through an automatic license plate reader
355 system used by a governmental entity as authorized in Section 41-6a-2003;

356 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
357 victim, including:

358 (a) a victim's application or request for benefits;

359 (b) a victim's receipt or denial of benefits; and

360 (c) any administrative notes or records made or created for the purpose of, or used to,
361 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
362 Reparations Fund;

363 (65) an audio or video recording created by a body-worn camera, as that term is
364 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
365 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
366 provider, as that term is defined in Section 78B-3-403, or inside a human service program as

367 that term is defined in Section 26B-2-101, except for recordings that:

368 (a) depict the commission of an alleged crime;

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

371 (c) record any encounter that is the subject of a complaint or a legal proceeding against
372 a law enforcement officer or law enforcement agency;

373 (d) contain an officer involved critical incident as defined in Subsection
374 76-2-408(1)(f); or

375 (e) have been requested for reclassification as a public record by a subject or
376 authorized agent of a subject featured in the recording;

377 (66) a record pertaining to the search process for a president of an institution of higher
378 education described in Section 53B-2-102, except for application materials for a publicly
379 announced finalist;

380 (67) an audio recording that is:

381 (a) produced by an audio recording device that is used in conjunction with a device or
382 piece of equipment designed or intended for resuscitating an individual or for treating an
383 individual with a life-threatening condition;

384 (b) produced during an emergency event when an individual employed to provide law
385 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

386 (i) is responding to an individual needing resuscitation or with a life-threatening
387 condition; and

388 (ii) uses a device or piece of equipment designed or intended for resuscitating an
389 individual or for treating an individual with a life-threatening condition; and

390 (c) intended and used for purposes of training emergency responders how to improve
391 their response to an emergency situation;

392 (68) records submitted by or prepared in relation to an applicant seeking a
393 recommendation by the Research and General Counsel Subcommittee, the Budget
394 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
395 employment position with the Legislature;

396 (69) work papers as defined in Section 31A-2-204;

397 (70) a record made available to Adult Protective Services or a law enforcement agency

398 under Section 61-1-206;

399 (71) a record submitted to the Insurance Department in accordance with Section
400 31A-37-201;

401 (72) a record described in Section 31A-37-503;

402 (73) any record created by the Division of Professional Licensing as a result of
403 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

404 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
405 involving an amusement ride;

406 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
407 on a political petition, or on a request to withdraw a signature from a political petition,
408 including a petition or request described in the following titles:

409 (a) Title 10, Utah Municipal Code;

410 (b) Title 17, Counties;

411 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;

412 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

413 (e) Title 20A, Election Code;

414 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
415 a voter registration record;

416 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
417 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
418 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

419 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
420 5, Victims Guidelines for Prosecutors Act;

421 (79) a record submitted to the Insurance Department under Section 31A-48-103;

422 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
423 prohibited under Section 63G-26-103;

424 (81) an image taken of an individual during the process of booking the individual into
425 jail, unless:

426 (a) the individual is convicted of a criminal offense based upon the conduct for which
427 the individual was incarcerated at the time the image was taken;

428 (b) a law enforcement agency releases or disseminates the image;

429 (i) after determining that the individual is a fugitive or an imminent threat to an
430 individual or to public safety and releasing or disseminating the image will assist in
431 apprehending the individual or reducing or eliminating the threat; or

432 (ii) to a potential witness or other individual with direct knowledge of events relevant
433 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
434 individual in connection with the criminal investigation or criminal proceeding; or

435 (c) a judge orders the release or dissemination of the image based on a finding that the
436 release or dissemination is in furtherance of a legitimate law enforcement interest;

437 (82) a record:

438 (a) concerning an interstate claim to the use of waters in the Colorado River system;

439 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
440 representative from another state or the federal government as provided in Section

441 [63M-14-205](#); and

442 (c) the disclosure of which would:

443 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
444 Colorado River system;

445 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
446 negotiate the best terms and conditions regarding the use of water in the Colorado River
447 system; or

448 (iii) give an advantage to another state or to the federal government in negotiations
449 regarding the use of water in the Colorado River system;

450 (83) any part of an application described in Section [63N-16-201](#) that the Governor's
451 Office of Economic Opportunity determines is nonpublic, confidential information that if
452 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
453 not be used to restrict access to a record evidencing a final contract or approval decision;

454 (84) the following records of a drinking water or wastewater facility:

455 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
456 and

457 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
458 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
459 in Subsection (84)(a);

460 (85) a statement that an employee of a governmental entity provides to the
461 governmental entity as part of the governmental entity's personnel or administrative
462 investigation into potential misconduct involving the employee if the governmental entity:

463 (a) requires the statement under threat of employment disciplinary action, including
464 possible termination of employment, for the employee's refusal to provide the statement; and

465 (b) provides the employee assurance that the statement cannot be used against the
466 employee in any criminal proceeding;

467 (86) any part of an application for a Utah Fits All Scholarship account described in
468 Section [53F-6-402](#) or other information identifying a scholarship student as defined in Section
469 [53F-6-401](#); [and]

470 (87) a record:

471 (a) concerning a claim to the use of waters in the Great Salt Lake;

472 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
473 person concerning the claim, including a representative from another state or the federal
474 government; and

475 (c) the disclosure of which would:

476 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great
477 Salt Lake;

478 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
479 and conditions regarding the use of water in the Great Salt Lake; or

480 (iii) give an advantage to another person including another state or to the federal
481 government in negotiations regarding the use of water in the Great Salt Lake[-]; and

482 (88) a record of water data provided to the Utah State University Institute of Land, Air,
483 and Water under Section [79-4-207](#).

484 Section 2. Section **79-4-207** is enacted to read:

485 **79-4-207. Water use by golf courses -- Master plan for state-owned golf courses.**

486 (1) As used in this section:

487 (a) "Division" means the Division of State Parks.

488 (b) "Golf course" means:

489 (i) real property that may be used for golf, golf practice areas, or a driving range by the
490 public or by the members and guests of a private club; and

491 (ii) improvements to the real property described in Subsection (1)(c)(i), including turf,
492 bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees,
493 paths, and trails.

494 (c) "Institute" means the Utah State University Institute of Land, Air, and Water.

495 (2) (a) The Utah State University Institute of Land, Air, and Water shall study the use
496 of water on golf courses in the state.

497 (b) As part of the study under this Subsection (2), the institute shall identify best
498 practices for water use for the unique elements of Utah's diverse geography and topography,
499 including:

500 (i) surveying practices in similar climate states;

501 (ii) determining how much water is used by golf courses;

502 (iii) determining how much irrigable acreage is playing versus non-playing areas; and

503 (iv) recommending methods for capturing possible water savings.

504 (c) The institute shall work with owners and operators of golf courses to identify
505 strategic water savings opportunities.

506 (d) Notwithstanding Section [63G-2-305](#), in preparing the report described in
507 Subsection (2)(e), the institute shall consult and share data with the following stakeholders:

508 (i) two individuals selected by the Golf Alliance Utah;

509 (ii) one individual selected by the Utah Section of the Professional Golfers' Association
510 of America;

511 (iii) one individual selected by the Utah Golf Association; and

512 (iv) three individuals selected by the Utah Golf Course Superintendents Association.

513 (e) The institute shall report the findings of the study, in a manner that does not
514 identify golf courses, by no later than June 30, 2027, to the Legislative Water Development
515 Commission created in Section [73-27-102](#).

516 (3) An owner or operator of a golf course in the state shall work with the institute as
517 part of the study under Subsection (2).

518 (4) (a) The division shall develop a master plan for state-owned golf courses, including
519 addressing capital facilities and water use and conservation.

520 (b) The division shall report to the following committees regarding the division's
521 master plan by no later than the November 2025 interim meetings of the Legislature:

522 (i) Natural Resources, Agriculture, and Environment Interim Committee; and

523 (ii) Revenue and Taxation Interim Committee.

524 Section 3. **Effective date.**

525 This bill takes effect on May 1, 2024.