

1                   **GENERATIONAL WATER INFRASTRUCTURE AMENDMENTS**  
2                                   2024 GENERAL SESSION  
3                                   STATE OF UTAH  
4                   **Chief Sponsor: J. Stuart Adams**  
5                                   House Sponsor: Mike Schultz

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6  
7 **LONG TITLE**

8 **General Description:**

9       This bill addresses the development of water resources.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ defines terms;
- 13       ▶ directs the creation of the Water District Water Development Council (council) under  
14 the Interlocal Cooperation Act;
- 15       ▶ outlines restrictions on the council;
- 16       ▶ provides for the powers and duties of the council;
- 17       ▶ requires reporting by the council;
- 18       ▶ requires consultation by the council;
- 19       ▶ provides for access to documents of state or local agencies;
- 20       ▶ amends provisions related to meetings and records of the council;
- 21       ▶ addresses the powers and duties of the Board of Water Resources and the Division of  
22 Water Resources;
- 23       ▶ addresses expenditures from the Water Infrastructure Restricted Account;
- 24       ▶ provides for the appointment of the Utah water agent (water agent);
- 25       ▶ provides for the powers and duties of the water agent;
- 26       ▶ requires reporting by the water agent;
- 27       ▶ requires consultation by the water agent;
- 28       ▶ addresses negotiations of the water agent;
- 29       ▶ amends provisions related to procurement and records of the water agent;
- 30       ▶ addresses access to documents of state or local agencies;
- 31       ▶ includes a sunset date regarding the water agent; and

28       ▶ makes technical and conforming changes.

29   **Money Appropriated in this Bill:**

30   This bill appropriates in fiscal year 2025:

31       ▶ to Governor's Office - Utah Water Agent - Utah Water Agent as a one-time appropriation:

32           • from the General Fund, One-time, \$3,000,000

33       ▶ to Governor's Office - Utah Water Agent - Utah Water Agent as an ongoing appropriation:

34           • from the General Fund, \$1,000,000

35   **Other Special Clauses:**

36       None

37   **Utah Code Sections Affected:**

38   AMENDS:

39       **52-4-103**, as last amended by Laws of Utah 2023, Chapters 139, 374 and 457

40       **63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516

41       **63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329

42       **63G-6a-107.6**, as last amended by Laws of Utah 2021, Chapter 179

43       **63I-1-273**, as last amended by Laws of Utah 2023, Chapters 205, 261

44       **67-22-2**, as last amended by Laws of Utah 2023, Chapter 205

45       **73-10-3**, as last amended by Laws of Utah 2023, Chapter 140

46       **73-10-4**, as last amended by Laws of Utah 2023, Chapter 140

47       **73-10-18**, as last amended by Laws of Utah 2023, Chapter 140

48       **73-10g-104**, as last amended by Laws of Utah 2023, Chapter 261

49   ENACTS:

50       **11-13-228**, as Utah Code Annotated 1953

51       **73-10g-601**, as Utah Code Annotated 1953

52       **73-10g-602**, as Utah Code Annotated 1953

53       **73-10g-603**, as Utah Code Annotated 1953

54

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

56       Section 1. Section **11-13-228** is enacted to read:

57       **11-13-228 . Water District Water Development Council.**

58    (1) As used in this section:

59       (a) "Council" means the Water District Water Development Council created pursuant to  
60       this section.

61       (b) "Division" means the Division of Water Resources.

- 62 (c) "Generational" means sufficient to meet anticipated demand for 50 to 75 years.
- 63 (d) "Generational water infrastructure" means physical facilities or other physical assets  
64 designed to meet generational demands for water.
- 65 (e) "State or local entity" means:
- 66 (i) a department, division, commission, agency, or other instrumentality of state  
67 government; or
- 68 (ii) a political subdivision or the political subdivision's instrumentalities.
- 69 (f) "Water agent" means the Utah water agent appointed by the governor under Section  
70 73-10g-602.
- 71 (g) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,  
72 Part 10, Water Conservancy District Act.
- 73 (2) (a) Subject to the provisions of this part, the four largest water conservancy districts  
74 in the state based on operating budgets shall enter into an agreement with one another  
75 and the division to form the Water District Water Development Council as a joint  
76 administrator of a joint or cooperative undertaking.
- 77 (b) The members of the council shall consist of:
- 78 (i) the general manager or the general manager's designee for each of the water  
79 conservancy districts described in Subsection (2)(a); and
- 80 (ii) the director of the division, who will represent the needs of the portions of the  
81 state that are not served by the water conservancy districts in the agreement.
- 82 (c) Members of the council may not receive compensation, per diem, or expenses for  
83 service on the council.
- 84 (d) The council shall appoint a director to manage operations of the council. The council  
85 shall set the salary for the director and the director serves at the pleasure of the  
86 council.
- 87 (e) The council shall establish and maintain office space and staff for the council and the  
88 water agent. The water conservancy districts that enter into the agreement shall pay  
89 the costs of the office space and staff that are directly related to the activities of the  
90 council, including staff from a water conservancy district that is assigned to work  
91 with the council, except that, to the extent appropriated by the Legislature, the state  
92 shall pay the costs of the water agent and any costs for non-district staff hired to  
93 solely work for the council or water agent.
- 94 (3) (a) The council may not own or operate water infrastructure, but may advise a water  
95 conservancy district that enters into the agreement about the development of

96 generational water infrastructure by a water conservancy district.

97 (b) For the generational water needs of the citizens of Utah and within the authorities  
98 given to the water conservancy districts represented on the council in Title 17B,  
99 Chapter 2a, Part 10, Water Conservancy District Act, the council shall jointly plan  
100 for generational water infrastructure and advance the responsible development of  
101 water within the jurisdiction of the water conservancy districts represented on the  
102 council to address water users' generational need for adequate and reliable water  
103 supplies, including:

104 (i) assessing generational water needs based on population growth and economic  
105 development;

106 (ii) identifying possible sources to meet the generational water needs;

107 (iii) exploring physical interconnections and joint operations of generational water  
108 infrastructure that exist as of May 1, 2024, and into the future;

109 (iv) assessing water conservation as a component of generational water supplies and  
110 environmental conservation efforts;

111 (v) scoping solutions to determine the most viable pathways for meeting generational  
112 water needs;

113 (vi) collecting and analyzing data necessary to make informed decisions regarding  
114 generational water needs;

115 (vii) coordinating with other water suppliers within the state as needed;

116 (viii) making recommendations to the Legislature regarding projects, funding, and  
117 policy changes to provide for generational water needs; and

118 (ix) annually reporting findings and recommendations to:

119 (A) the governor;

120 (B) the president of the Senate;

121 (C) the speaker of the House of Representatives;

122 (D) the Legislative Water Development Commission created by Section 73-27-102;

123 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and

124 (F) the Water Development Coordinating Council created by Sections 79-2-201  
125 and 73-10c-3.

126 (c) The council shall coordinate with the division regarding the need for generational  
127 water infrastructure and how to meet that need and, as part of this coordination the  
128 council shall assist the division in the division's development of a state water plan  
129 under Section 73-10-15.

- 130        (d) The council shall receive input from and coordinate with the water agent.
- 131        (e) The council may not levy, assess, or collect ad valorem property taxes or issue bonds.
- 132        (f) The council shall adopt policies for procurement that enable the council to efficiently  
133            fulfill the council's responsibilities under the agreement.
- 134        (g) The council is advisory and may not establish policy for the state.
- 135        (h) The council does not control money used to fund water infrastructure.
- 136        (4) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,  
137            upon request of the council, a state or local entity shall provide to the water agent a  
138            document, report, or information available within the state or local entity.
- 139        (5) Nothing in this section restricts the ability of a water conservancy district to contract  
140            under Subsection 17B-2a-1004(2).

141        Section 2. Section **52-4-103** is amended to read:

142        **52-4-103 . Definitions.**

143        As used in this chapter:

- 144        (1) "Anchor location" means the physical location from which:
- 145            (a) an electronic meeting originates; or
- 146            (b) the participants are connected.
- 147        (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300  
148            North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt  
149            Lake City.
- 150        (3) (a) "Convening" means the calling together of a public body by a person authorized  
151            to do so for the express purpose of discussing or acting upon a subject over which  
152            that public body has jurisdiction or advisory power.
- 153            (b) "Convening" does not include the initiation of a routine conversation between  
154            members of a board of trustees of a large public transit district if the members  
155            involved in the conversation do not, during the conversation, take a tentative or final  
156            vote on the matter that is the subject of the conversation.
- 157        (4) "Electronic meeting" means a public meeting convened or conducted by means of a  
158            conference using electronic communications.
- 159        (5) "Electronic message" means a communication transmitted electronically, including:
- 160            (a) electronic mail;
- 161            (b) instant messaging;
- 162            (c) electronic chat;
- 163            (d) text messaging, which means a communication in the form of electronic text or one

- 164 or more electronic images sent by the actor from a telephone, computer, or other  
165 electronic communication device to another person's telephone, computer, or  
166 electronic communication device by addressing the communication to the person's  
167 telephone number or other electronic communication access code or number; or  
168 (e) any other method that conveys a message or facilitates communication electronically.
- 169 (6) "Fiduciary or commercial information" means information:
- 170 (a) related to any subject if disclosure:
- 171 (i) would conflict with a fiduciary obligation; or  
172 (ii) is prohibited by insider trading provisions; or
- 173 (b) that is commercial in nature including:
- 174 (i) account owners or borrowers;  
175 (ii) demographic data;  
176 (iii) contracts and related payments;  
177 (iv) negotiations;  
178 (v) proposals or bids;  
179 (vi) investments;  
180 (vii) management of funds;  
181 (viii) fees and charges;  
182 (ix) plan and program design;  
183 (x) investment options and underlying investments offered to account owners;  
184 (xi) marketing and outreach efforts;  
185 (xii) financial plans; or  
186 (xiii) reviews and audits excluding the final report required under Section 53B-8a-111.
- 187 (7) (a) "Meeting" means the convening of a public body or a specified body, with a  
188 quorum present, including a workshop or an executive session, whether in person or  
189 by means of electronic communications, for the purpose of discussing, receiving  
190 comments from the public about, or acting upon a matter over which the public body  
191 or specified body has jurisdiction or advisory power.
- 192 (b) "Meeting" does not mean:
- 193 (i) a chance gathering or social gathering;  
194 (ii) a convening of the State Tax Commission to consider a confidential tax matter in  
195 accordance with Section 59-1-405; or  
196 (iii) a convening of a three-member board of trustees of a large public transit district  
197 as defined in Section 17B-2a-802 if:

- 198 (A) the board members do not, during the conversation, take a tentative or final  
199 vote on the matter that is the subject of the conversation; or
- 200 (B) the conversation pertains only to day-to-day management and operation of the  
201 public transit district.
- 202 (c) "Meeting" does not mean the convening of a public body that has both legislative and  
203 executive responsibilities if:
- 204 (i) no public funds are appropriated for expenditure during the time the public body is  
205 convened; and
- 206 (ii) the public body is convened solely for the discussion or implementation of  
207 administrative or operational matters:
- 208 (A) for which no formal action by the public body is required; or  
209 (B) that would not come before the public body for discussion or action.
- 210 (8) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public  
211 statements of each member of the public body who is participating in a meeting.
- 212 (9) "Participate" means the ability to communicate with all of the members of a public  
213 body, either verbally or electronically, so that each member of the public body can hear  
214 or observe the communication.
- 215 (10) (a) "Public body" means:
- 216 (i) any administrative, advisory, executive, or legislative body of the state or its  
217 political subdivisions that:
- 218 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;  
219 (B) consists of two or more persons;  
220 (C) expends, disburses, or is supported in whole or in part by tax revenue; and  
221 (D) is vested with the authority to make decisions regarding the public's business;  
222 or
- 223 (ii) any administrative, advisory, executive, or policymaking body of an association,  
224 as that term is defined in Section 53G-7-1101, that:
- 225 (A) consists of two or more persons;  
226 (B) expends, disburses, or is supported in whole or in part by dues paid by a  
227 public school or whose employees participate in a benefit or program described  
228 in Title 49, Utah State Retirement and Insurance Benefit Act; and  
229 (C) is vested with authority to make decisions regarding the participation of a  
230 public school or student in an interscholastic activity, as that term is defined in  
231 Section 53G-7-1101.

- 232 (b) "Public body" includes:
- 233 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined
- 234 in Section 11-13-103, except for the Water District Water Development Council
- 235 created pursuant to Section 11-13-228;
- 236 (ii) a governmental nonprofit corporation as that term is defined in Section
- 237 11-13a-102;
- 238 (iii) the Utah Independent Redistricting Commission; and
- 239 (iv) a project entity, as that term is defined in Section 11-13-103.
- 240 (c) "Public body" does not include:
- 241 (i) a political party, a political group, or a political caucus;
- 242 (ii) a conference committee, a rules committee, or a sifting committee of the
- 243 Legislature;
- 244 (iii) a school community council or charter trust land council, as that term is defined
- 245 in Section 53G-7-1203;
- 246 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed
- 247 interlocal entity is not a project entity; or
- 248 (v) the following Legislative Management subcommittees, which are established in
- 249 Section 36-12-8, when meeting for the purpose of selecting or evaluating a
- 250 candidate to recommend for employment, except that the meeting in which a
- 251 subcommittee votes to recommend that a candidate be employed shall be subject
- 252 to the provisions of this act:
- 253 (A) the Research and General Counsel Subcommittee;
- 254 (B) the Budget Subcommittee; and
- 255 (C) the Audit Subcommittee.
- 256 (11) "Public statement" means a statement made in the ordinary course of business of the
- 257 public body with the intent that all other members of the public body receive it.
- 258 (12) (a) "Quorum" means a simple majority of the membership of a public body, unless
- 259 otherwise defined by applicable law.
- 260 (b) "Quorum" does not include a meeting of two elected officials by themselves when no
- 261 action, either formal or informal, is taken.
- 262 (13) "Recording" means an audio, or an audio and video, record of the proceedings of a
- 263 meeting that can be used to review the proceedings of the meeting.
- 264 (14) "Specified body":
- 265 (a) means an administrative, advisory, executive, or legislative body that:



- 266 (i) is not a public body;
- 267 (ii) consists of three or more members; and
- 268 (iii) includes at least one member who is:
- 269 (A) a legislator; and
- 270 (B) officially appointed to the body by the president of the Senate, speaker of the
- 271 House of Representatives, or governor; and

272 (b) does not include a body listed in Subsection (10)(c)(ii) or (10)(c)(v).

273 (15) "Transmit" means to send, convey, or communicate an electronic message by

274 electronic means.

275 Section 3. Section **63G-2-103** is amended to read:

276 **63G-2-103 . Definitions.**

277 As used in this chapter:

278 (1) "Audit" means:

279 (a) a systematic examination of financial, management, program, and related records for

280 the purpose of determining the fair presentation of financial statements, adequacy of

281 internal controls, or compliance with laws and regulations; or

282 (b) a systematic examination of program procedures and operations for the purpose of

283 determining their effectiveness, economy, efficiency, and compliance with statutes

284 and regulations.

285 (2) "Chronological logs" mean the regular and customary summary records of law

286 enforcement agencies and other public safety agencies that show:

287 (a) the time and general nature of police, fire, and paramedic calls made to the agency;

288 and

289 (b) any arrests or jail bookings made by the agency.

290 (3) "Classification," "classify," and their derivative forms mean determining whether a

291 record series, record, or information within a record is public, private, controlled,

292 protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

293 (4) (a) "Computer program" means:

294 (i) a series of instructions or statements that permit the functioning of a computer

295 system in a manner designed to provide storage, retrieval, and manipulation of

296 data from the computer system; and

297 (ii) any associated documentation and source material that explain how to operate the

298 computer program.

299 (b) "Computer program" does not mean:

- 300 (i) the original data, including numbers, text, voice, graphics, and images;
- 301 (ii) analysis, compilation, and other manipulated forms of the original data produced
- 302 by use of the program; or
- 303 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
- 304 algorithms contained in the program, that would be used if the manipulated forms
- 305 of the original data were to be produced manually.
- 306 (5) (a) "Contractor" means:
- 307 (i) any person who contracts with a governmental entity to provide goods or services
- 308 directly to a governmental entity; or
- 309 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 310 (b) "Contractor" does not mean a private provider.
- 311 (6) "Controlled record" means a record containing data on individuals that is controlled as
- 312 provided by Section 63G-2-304.
- 313 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
- 314 governmental entity's familiarity with a record series or based on a governmental entity's
- 315 review of a reasonable sample of a record series, the primary classification that a
- 316 majority of records in a record series would be given if classified and the classification
- 317 that other records typically present in the record series would be given if classified.
- 318 (8) "Elected official" means each person elected to a state office, county office, municipal
- 319 office, school board or school district office, special district office, or special service
- 320 district office, but does not include judges.
- 321 (9) "Explosive" means a chemical compound, device, or mixture:
- 322 (a) commonly used or intended for the purpose of producing an explosion; and
- 323 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 324 quantities, or packing so that:
- 325 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 326 compound or mixture may cause a sudden generation of highly heated gases; and
- 327 (ii) the resultant gaseous pressures are capable of:
- 328 (A) producing destructive effects on contiguous objects; or
- 329 (B) causing death or serious bodily injury.
- 330 (10) "Government audit agency" means any governmental entity that conducts an audit.
- 331 (11) (a) "Governmental entity" means:
- 332 (i) executive department agencies of the state, the offices of the governor, lieutenant
- 333 governor, state auditor, attorney general, and state treasurer, the Board of Pardons

- 334 and Parole, the Board of Examiners, the National Guard, the Career Service  
335 Review Office, the State Board of Education, the Utah Board of Higher  
336 Education, and the State Archives;
- 337 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
338 Analyst, Office of Legislative Research and General Counsel, the Legislature, and  
339 legislative committees, except any political party, group, caucus, or rules or sifting  
340 committee of the Legislature;
- 341 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar  
342 administrative units in the judicial branch;
- 343 (iv) any state-funded institution of higher education or public education; or  
344 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
345 ordinance or a policy relating to information practices pursuant to Section  
346 63G-2-701, this chapter shall apply to the political subdivision to the extent  
347 specified in Section 63G-2-701 or as specified in any other section of this chapter  
348 that specifically refers to political subdivisions.
- 349 (b) "Governmental entity" also means:
- 350 (i) every office, agency, board, bureau, committee, department, advisory board, or  
351 commission of an entity listed in Subsection (11)(a) that is funded or established  
352 by the government to carry out the public's business;
- 353 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative  
354 undertaking, except for the Water District Water Development Council created  
355 pursuant to Section 11-13-228;
- 356 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 357 (iv) an association as defined in Section 53G-7-1101;
- 358 (v) the Utah Independent Redistricting Commission; and
- 359 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or  
360 more law enforcement officers, as defined in Section 53-13-103.
- 361 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in  
362 Section 53B-8a-103.
- 363 (12) "Gross compensation" means every form of remuneration payable for a given period to  
364 an individual for services provided including salaries, commissions, vacation pay,  
365 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and  
366 any similar benefit received from the individual's employer.
- 367 (13) "Individual" means a human being.

- 368 (14) (a) "Initial contact report" means an initial written or recorded report, however  
369 titled, prepared by peace officers engaged in public patrol or response duties  
370 describing official actions initially taken in response to either a public complaint  
371 about or the discovery of an apparent violation of law, which report may describe:
- 372 (i) the date, time, location, and nature of the complaint, the incident, or offense;
  - 373 (ii) names of victims;
  - 374 (iii) the nature or general scope of the agency's initial actions taken in response to the  
375 incident;
  - 376 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
  - 377 (v) the name, address, and other identifying information about any person arrested or  
378 charged in connection with the incident; or
  - 379 (vi) the identity of the public safety personnel, except undercover personnel, or  
380 prosecuting attorney involved in responding to the initial incident.
- 381 (b) Initial contact reports do not include follow-up or investigative reports prepared after  
382 the initial contact report. However, if the information specified in Subsection (14)(a)  
383 appears in follow-up or investigative reports, it may only be treated confidentially if  
384 it is private, controlled, protected, or exempt from disclosure under Subsection  
385 63G-2-201(3)(b).
- 386 (c) Initial contact reports do not include accident reports, as that term is described in  
387 Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 388 (15) "Legislative body" means the Legislature.
- 389 (16) "Notice of compliance" means a statement confirming that a governmental entity has  
390 complied with an order of the State Records Committee.
- 391 (17) "Person" means:
- 392 (a) an individual;
  - 393 (b) a nonprofit or profit corporation;
  - 394 (c) a partnership;
  - 395 (d) a sole proprietorship;
  - 396 (e) other type of business organization; or
  - 397 (f) any combination acting in concert with one another.
- 398 (18) "Personal identifying information" means the same as that term is defined in Section  
399 63A-12-100.5.
- 400 (19) "Privacy annotation" means the same as that term is defined in Section 63A-12-100.5.
- 401 (20) "Private provider" means any person who contracts with a governmental entity to

- 402 provide services directly to the public.
- 403 (21) "Private record" means a record containing data on individuals that is private as  
404 provided by Section 63G-2-302.
- 405 (22) "Protected record" means a record that is classified protected as provided by Section  
406 63G-2-305.
- 407 (23) "Public record" means a record that is not private, controlled, or protected and that is  
408 not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 409 (24) "Reasonable search" means a search that is:
- 410 (a) reasonable in scope and intensity; and
- 411 (b) not unreasonably burdensome for the government entity.
- 412 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,  
413 card, tape, recording, electronic data, or other documentary material regardless of  
414 physical form or characteristics:
- 415 (i) that is prepared, owned, received, or retained by a governmental entity or political  
416 subdivision; and
- 417 (ii) where all of the information in the original is reproducible by photocopy or other  
418 mechanical or electronic means.
- 419 (b) "Record" does not mean:
- 420 (i) a personal note or personal communication prepared or received by an employee  
421 or officer of a governmental entity:
- 422 (A) in a capacity other than the employee's or officer's governmental capacity; or  
423 (B) that is unrelated to the conduct of the public's business;
- 424 (ii) a temporary draft or similar material prepared for the originator's personal use or  
425 prepared by the originator for the personal use of an individual for whom the  
426 originator is working;
- 427 (iii) material that is legally owned by an individual in the individual's private capacity;
- 428 (iv) material to which access is limited by the laws of copyright or patent unless the  
429 copyright or patent is owned by a governmental entity or political subdivision;
- 430 (v) proprietary software;
- 431 (vi) junk mail or a commercial publication received by a governmental entity or an  
432 official or employee of a governmental entity;
- 433 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections  
434 of a library open to the public;
- 435 (viii) material that is cataloged, indexed, or inventoried and contained in the

- 436 collections of a library open to the public, regardless of physical form or  
437 characteristics of the material;
- 438 (ix) a daily calendar or other personal note prepared by the originator for the  
439 originator's personal use or for the personal use of an individual for whom the  
440 originator is working;
- 441 (x) a computer program that is developed or purchased by or for any governmental  
442 entity for its own use;
- 443 (xi) a note or internal memorandum prepared as part of the deliberative process by:  
444 (A) a member of the judiciary;  
445 (B) an administrative law judge;  
446 (C) a member of the Board of Pardons and Parole; or  
447 (D) a member of any other body, other than an association or appeals panel as  
448 defined in Section 53G-7-1101, charged by law with performing a  
449 quasi-judicial function;
- 450 (xii) a telephone number or similar code used to access a mobile communication  
451 device that is used by an employee or officer of a governmental entity, provided  
452 that the employee or officer of the governmental entity has designated at least one  
453 business telephone number that is a public record as provided in Section  
454 63G-2-301;
- 455 (xiii) information provided by the Public Employees' Benefit and Insurance Program,  
456 created in Section 49-20-103, to a county to enable the county to calculate the  
457 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 458 (xiv) information that an owner of unimproved property provides to a local entity as  
459 provided in Section 11-42-205;
- 460 (xv) a video or audio recording of an interview, or a transcript of the video or audio  
461 recording, that is conducted at a Children's Justice Center established under  
462 Section 67-5b-102;
- 463 (xvi) child sexual abuse material, as defined by Section 76-5b-103;
- 464 (xvii) before final disposition of an ethics complaint occurs, a video or audio  
465 recording of the closed portion of a meeting or hearing of:  
466 (A) a Senate or House Ethics Committee;  
467 (B) the Independent Legislative Ethics Commission;  
468 (C) the Independent Executive Branch Ethics Commission, created in Section  
469 63A-14-202; or

470 (D) the Political Subdivisions Ethics Review Commission established in Section  
471 63A-15-201; or

472 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or  
473 58-61-702.

474 (26) "Record series" means a group of records that may be treated as a unit for purposes of  
475 designation, description, management, or disposition.

476 (27) "Records officer" means the individual appointed by the chief administrative officer of  
477 each governmental entity, or the political subdivision to work with state archives in the  
478 care, maintenance, scheduling, designation, classification, disposal, and preservation of  
479 records.

480 (28) "Schedule," "scheduling," and their derivative forms mean the process of specifying  
481 the length of time each record series should be retained by a governmental entity for  
482 administrative, legal, fiscal, or historical purposes and when each record series should be  
483 transferred to the state archives or destroyed.

484 (29) "Sponsored research" means research, training, and other sponsored activities as  
485 defined by the federal Executive Office of the President, Office of Management and  
486 Budget:

487 (a) conducted:

488 (i) by an institution within the state system of higher education defined in Section  
489 53B-1-102; and

490 (ii) through an office responsible for sponsored projects or programs; and

491 (b) funded or otherwise supported by an external:

492 (i) person that is not created or controlled by the institution within the state system of  
493 higher education; or

494 (ii) federal, state, or local governmental entity.

495 (30) "State archives" means the Division of Archives and Records Service created in  
496 Section 63A-12-101.

497 (31) "State archivist" means the director of the state archives.

498 (32) "State Records Committee" means the State Records Committee created in Section  
499 63G-2-501.

500 (33) "Summary data" means statistical records and compilations that contain data derived  
501 from private, controlled, or protected information but that do not disclose private,  
502 controlled, or protected information.

503 Section 4. Section **63G-2-305** is amended to read:

504 **63G-2-305 . Protected records.**

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

- 506 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has  
507 provided the governmental entity with the information specified in Section 63G-2-309;
- 508 (2) commercial information or nonindividual financial information obtained from a person  
509 if:
- 510 (a) disclosure of the information could reasonably be expected to result in unfair  
511 competitive injury to the person submitting the information or would impair the  
512 ability of the governmental entity to obtain necessary information in the future;
  - 513 (b) the person submitting the information has a greater interest in prohibiting access than  
514 the public in obtaining access; and
  - 515 (c) the person submitting the information has provided the governmental entity with the  
516 information specified in Section 63G-2-309;
- 517 (3) commercial or financial information acquired or prepared by a governmental entity to  
518 the extent that disclosure would lead to financial speculations in currencies, securities, or  
519 commodities that will interfere with a planned transaction by the governmental entity or  
520 cause substantial financial injury to the governmental entity or state economy;
- 521 (4) records, the disclosure of which could cause commercial injury to, or confer a  
522 competitive advantage upon a potential or actual competitor of, a commercial project  
523 entity as defined in Subsection 11-13-103(4);
- 524 (5) test questions and answers to be used in future license, certification, registration,  
525 employment, or academic examinations;
- 526 (6) records, the disclosure of which would impair governmental procurement proceedings  
527 or give an unfair advantage to any person proposing to enter into a contract or agreement  
528 with a governmental entity, except, subject to Subsections (1) and (2), that this  
529 Subsection (6) does not restrict the right of a person to have access to, after the contract  
530 or grant has been awarded and signed by all parties:
- 531 (a) a bid, proposal, application, or other information submitted to or by a governmental  
532 entity in response to:
    - 533 (i) an invitation for bids;
    - 534 (ii) a request for proposals;
    - 535 (iii) a request for quotes;
    - 536 (iv) a grant; or
    - 537 (v) other similar document; or



- 538 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 539 (7) information submitted to or by a governmental entity in response to a request for  
540 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not  
541 restrict the right of a person to have access to the information, after:
- 542 (a) a contract directly relating to the subject of the request for information has been  
543 awarded and signed by all parties; or
- 544 (b) (i) a final determination is made not to enter into a contract that relates to the  
545 subject of the request for information; and
- 546 (ii) at least two years have passed after the day on which the request for information  
547 is issued;
- 548 (8) records that would identify real property or the appraisal or estimated value of real or  
549 personal property, including intellectual property, under consideration for public  
550 acquisition before any rights to the property are acquired unless:
- 551 (a) public interest in obtaining access to the information is greater than or equal to the  
552 governmental entity's need to acquire the property on the best terms possible;
- 553 (b) the information has already been disclosed to persons not employed by or under a  
554 duty of confidentiality to the entity;
- 555 (c) in the case of records that would identify property, potential sellers of the described  
556 property have already learned of the governmental entity's plans to acquire the  
557 property;
- 558 (d) in the case of records that would identify the appraisal or estimated value of  
559 property, the potential sellers have already learned of the governmental entity's  
560 estimated value of the property; or
- 561 (e) the property under consideration for public acquisition is a single family residence  
562 and the governmental entity seeking to acquire the property has initiated negotiations  
563 to acquire the property as required under Section 78B-6-505;
- 564 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated  
565 transaction of real or personal property including intellectual property, which, if  
566 disclosed prior to completion of the transaction, would reveal the appraisal or estimated  
567 value of the subject property, unless:
- 568 (a) the public interest in access is greater than or equal to the interests in restricting  
569 access, including the governmental entity's interest in maximizing the financial  
570 benefit of the transaction; or
- 571 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of

- 572 the value of the subject property have already been disclosed to persons not  
573 employed by or under a duty of confidentiality to the entity;
- 574 (10) records created or maintained for civil, criminal, or administrative enforcement  
575 purposes or audit purposes, or for discipline, licensing, certification, or registration  
576 purposes, if release of the records:
- 577 (a) reasonably could be expected to interfere with investigations undertaken for  
578 enforcement, discipline, licensing, certification, or registration purposes;
- 579 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
580 proceedings;
- 581 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
582 hearing;
- 583 (d) reasonably could be expected to disclose the identity of a source who is not generally  
584 known outside of government and, in the case of a record compiled in the course of  
585 an investigation, disclose information furnished by a source not generally known  
586 outside of government if disclosure would compromise the source; or
- 587 (e) reasonably could be expected to disclose investigative or audit techniques,  
588 procedures, policies, or orders not generally known outside of government if  
589 disclosure would interfere with enforcement or audit efforts;
- 590 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 591 (12) records the disclosure of which would jeopardize the security of governmental  
592 property, governmental programs, or governmental recordkeeping systems from  
593 damage, theft, or other appropriation or use contrary to law or public policy;
- 594 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
595 facility, or records relating to incarceration, treatment, probation, or parole, that would  
596 interfere with the control and supervision of an offender's incarceration, treatment,  
597 probation, or parole;
- 598 (14) records that, if disclosed, would reveal recommendations made to the Board of  
599 Pardons and Parole by an employee of or contractor for the Department of Corrections,  
600 the Board of Pardons and Parole, or the Department of Health and Human Services that  
601 are based on the employee's or contractor's supervision, diagnosis, or treatment of any  
602 person within the board's jurisdiction;
- 603 (15) records and audit workpapers that identify audit, collection, and operational procedures  
604 and methods used by the State Tax Commission, if disclosure would interfere with  
605 audits or collections;

- 606 (16) records of a governmental audit agency relating to an ongoing or planned audit until  
607 the final audit is released;
- 608 (17) records that are subject to the attorney client privilege;
- 609 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
610 employee, or agent of a governmental entity for, or in anticipation of, litigation or a  
611 judicial, quasi-judicial, or administrative proceeding;
- 612 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
613 from a member of the Legislature; and  
614 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
615 legislative action or policy may not be classified as protected under this section;  
616 and
- 617 (b) (i) an internal communication that is part of the deliberative process in connection  
618 with the preparation of legislation between:  
619 (A) members of a legislative body;  
620 (B) a member of a legislative body and a member of the legislative body's staff; or  
621 (C) members of a legislative body's staff; and  
622 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
623 legislative action or policy may not be classified as protected under this section;
- 624 (20) (a) records in the custody or control of the Office of Legislative Research and  
625 General Counsel, that, if disclosed, would reveal a particular legislator's  
626 contemplated legislation or contemplated course of action before the legislator has  
627 elected to support the legislation or course of action, or made the legislation or course  
628 of action public; and  
629 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
630 Office of Legislative Research and General Counsel is a public document unless a  
631 legislator asks that the records requesting the legislation be maintained as protected  
632 records until such time as the legislator elects to make the legislation or course of  
633 action public;
- 634 (21) research requests from legislators to the Office of Legislative Research and General  
635 Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in  
636 response to these requests;
- 637 (22) drafts, unless otherwise classified as public;
- 638 (23) records concerning a governmental entity's strategy about:  
639 (a) collective bargaining; or

- 640 (b) imminent or pending litigation;
- 641 (24) records of investigations of loss occurrences and analyses of loss occurrences that may  
642 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
643 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 644 (25) records, other than personnel evaluations, that contain a personal recommendation  
645 concerning an individual if disclosure would constitute a clearly unwarranted invasion  
646 of personal privacy, or disclosure is not in the public interest;
- 647 (26) records that reveal the location of historic, prehistoric, paleontological, or biological  
648 resources that if known would jeopardize the security of those resources or of valuable  
649 historic, scientific, educational, or cultural information;
- 650 (27) records of independent state agencies if the disclosure of the records would conflict  
651 with the fiduciary obligations of the agency;
- 652 (28) records of an institution within the state system of higher education defined in Section  
653 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,  
654 retention decisions, and promotions, which could be properly discussed in a meeting  
655 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided  
656 that records of the final decisions about tenure, appointments, retention, promotions, or  
657 those students admitted, may not be classified as protected under this section;
- 658 (29) records of the governor's office, including budget recommendations, legislative  
659 proposals, and policy statements, that if disclosed would reveal the governor's  
660 contemplated policies or contemplated courses of action before the governor has  
661 implemented or rejected those policies or courses of action or made them public;
- 662 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
663 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
664 recommendations in these areas;
- 665 (31) records provided by the United States or by a government entity outside the state that  
666 are given to the governmental entity with a requirement that they be managed as  
667 protected records if the providing entity certifies that the record would not be subject to  
668 public disclosure if retained by it;
- 669 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
670 public body except as provided in Section 52-4-206;
- 671 (33) records that would reveal the contents of settlement negotiations but not including final  
672 settlements or empirical data to the extent that they are not otherwise exempt from  
673 disclosure;

- 674 (34) memoranda prepared by staff and used in the decision-making process by an  
675 administrative law judge, a member of the Board of Pardons and Parole, or a member of  
676 any other body charged by law with performing a quasi-judicial function;
- 677 (35) records that would reveal negotiations regarding assistance or incentives offered by or  
678 requested from a governmental entity for the purpose of encouraging a person to expand  
679 or locate a business in Utah, but only if disclosure would result in actual economic harm  
680 to the person or place the governmental entity at a competitive disadvantage, but this  
681 section may not be used to restrict access to a record evidencing a final contract;
- 682 (36) materials to which access must be limited for purposes of securing or maintaining the  
683 governmental entity's proprietary protection of intellectual property rights including  
684 patents, copyrights, and trade secrets;
- 685 (37) the name of a donor or a prospective donor to a governmental entity, including an  
686 institution within the state system of higher education defined in Section 53B-1-102, and  
687 other information concerning the donation that could reasonably be expected to reveal  
688 the identity of the donor, provided that:
- 689 (a) the donor requests anonymity in writing;
- 690 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
691 classified protected by the governmental entity under this Subsection (37); and
- 692 (c) except for an institution within the state system of higher education defined in  
693 Section 53B-1-102, the governmental unit to which the donation is made is primarily  
694 engaged in educational, charitable, or artistic endeavors, and has no regulatory or  
695 legislative authority over the donor, a member of the donor's immediate family, or  
696 any entity owned or controlled by the donor or the donor's immediate family;
- 697 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 698 (39) a notification of workers' compensation insurance coverage described in Section  
699 34A-2-205;
- 700 (40) (a) the following records of an institution within the state system of higher  
701 education defined in Section 53B-1-102, which have been developed, discovered,  
702 disclosed to, or received by or on behalf of faculty, staff, employees, or students of  
703 the institution:
- 704 (i) unpublished lecture notes;
- 705 (ii) unpublished notes, data, and information:
- 706 (A) relating to research; and
- 707 (B) of:

- 708 (I) the institution within the state system of higher education defined in Section  
709 53B-1-102; or
- 710 (II) a sponsor of sponsored research;
- 711 (iii) unpublished manuscripts;
- 712 (iv) creative works in process;
- 713 (v) scholarly correspondence; and
- 714 (vi) confidential information contained in research proposals;
- 715 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information  
716 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 717 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 718 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
719 General that would reveal the name of a particular legislator who requests a  
720 legislative audit prior to the date that audit is completed and made public; and
- 721 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
722 Office of the Legislative Auditor General is a public document unless the legislator  
723 asks that the records in the custody or control of the Office of the Legislative Auditor  
724 General that would reveal the name of a particular legislator who requests a  
725 legislative audit be maintained as protected records until the audit is completed and  
726 made public;
- 727 (42) records that provide detail as to the location of an explosive, including a map or other  
728 document that indicates the location of:
- 729 (a) a production facility; or
- 730 (b) a magazine;
- 731 (43) information contained in the statewide database of the Division of Aging and Adult  
732 Services created by Section 26B-6-210;
- 733 (44) information contained in the Licensing Information System described in Title 80,  
734 Chapter 2, Child Welfare Services;
- 735 (45) information regarding National Guard operations or activities in support of the  
736 National Guard's federal mission;
- 737 (46) records provided by any pawn or secondhand business to a law enforcement agency or  
738 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand  
739 Merchandise, and Catalytic Converter Transaction Information Act;
- 740 (47) information regarding food security, risk, and vulnerability assessments performed by  
741 the Department of Agriculture and Food;

- 742 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
743 63G-2-106, records related to an emergency plan or program, a copy of which is  
744 provided to or prepared or maintained by the Division of Emergency Management, and  
745 the disclosure of which would jeopardize:
- 746 (a) the safety of the general public; or
  - 747 (b) the security of:
    - 748 (i) governmental property;
    - 749 (ii) governmental programs; or
    - 750 (iii) the property of a private person who provides the Division of Emergency  
751 Management information;
- 752 (49) records of the Department of Agriculture and Food that provides for the identification,  
753 tracing, or control of livestock diseases, including any program established under Title  
754 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
755 of Animal Disease;
- 756 (50) as provided in Section 26B-2-408:
- 757 (a) information or records held by the Department of Health and Human Services related  
758 to a complaint regarding a child care program or residential child care which the  
759 department is unable to substantiate; and
  - 760 (b) information or records related to a complaint received by the Department of Health  
761 and Human Services from an anonymous complainant regarding a child care program  
762 or residential child care;
- 763 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided  
764 under Section 41-1a-116, an individual's home address, home telephone number, or  
765 personal mobile phone number, if:
- 766 (a) the individual is required to provide the information in order to comply with a law,  
767 ordinance, rule, or order of a government entity; and
  - 768 (b) the subject of the record has a reasonable expectation that this information will be  
769 kept confidential due to:
    - 770 (i) the nature of the law, ordinance, rule, or order; and
    - 771 (ii) the individual complying with the law, ordinance, rule, or order;
- 772 (52) the portion of the following documents that contains a candidate's residential or  
773 mailing address, if the candidate provides to the filing officer another address or phone  
774 number where the candidate may be contacted:
- 775 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,

- 776 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,  
777 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 778 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 779 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 780 (53) the name, home address, work addresses, and telephone numbers of an individual that  
781 is engaged in, or that provides goods or services for, medical or scientific research that is:  
782 (a) conducted within the state system of higher education, as defined in Section  
783 53B-1-102; and  
784 (b) conducted using animals;
- 785 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
786 Evaluation Commission concerning an individual commissioner's vote, in relation to  
787 whether a judge meets or exceeds minimum performance standards under Subsection  
788 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 789 (55) information collected and a report prepared by the Judicial Performance Evaluation  
790 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,  
791 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes  
792 public, the information or report;
- 793 (56) records provided or received by the Public Lands Policy Coordinating Office in  
794 furtherance of any contract or other agreement made in accordance with Section  
795 63L-11-202;
- 796 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 797 (58) in accordance with Section 73-10-33:
- 798 (a) a management plan for a water conveyance facility in the possession of the Division  
799 of Water Resources or the Board of Water Resources; or
- 800 (b) an outline of an emergency response plan in possession of the state or a county or  
801 municipality;
- 802 (59) the following records in the custody or control of the Office of Inspector General of  
803 Medicaid Services, created in Section 63A-13-201:
- 804 (a) records that would disclose information relating to allegations of personal  
805 misconduct, gross mismanagement, or illegal activity of a person if the information  
806 or allegation cannot be corroborated by the Office of Inspector General of Medicaid  
807 Services through other documents or evidence, and the records relating to the  
808 allegation are not relied upon by the Office of Inspector General of Medicaid  
809 Services in preparing a final investigation report or final audit report;



- 810 (b) records and audit workpapers to the extent they would disclose the identity of a  
811 person who, during the course of an investigation or audit, communicated the  
812 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected  
813 violation of a law, rule, or regulation adopted under the laws of this state, a political  
814 subdivision of the state, or any recognized entity of the United States, if the  
815 information was disclosed on the condition that the identity of the person be  
816 protected;
- 817 (c) before the time that an investigation or audit is completed and the final investigation  
818 or final audit report is released, records or drafts circulated to a person who is not an  
819 employee or head of a governmental entity for the person's response or information;
- 820 (d) records that would disclose an outline or part of any investigation, audit survey plan,  
821 or audit program; or
- 822 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
823 investigation or audit;
- 824 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
825 Services, the fraud unit, or the Department of Health and Human Services, to discover  
826 Medicaid fraud, waste, or abuse;
- 827 (61) information provided to the Department of Health and Human Services or the Division  
828 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections  
829 58-68-304(3) and (4);
- 830 (62) a record described in Section 63G-12-210;
- 831 (63) captured plate data that is obtained through an automatic license plate reader system  
832 used by a governmental entity as authorized in Section 41-6a-2003;
- 833 (64) any record in the custody of the Utah Office for Victims of Crime relating to a victim,  
834 including:
- 835 (a) a victim's application or request for benefits;
- 836 (b) a victim's receipt or denial of benefits; and
- 837 (c) any administrative notes or records made or created for the purpose of, or used to,  
838 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime  
839 Victim Reparations Fund;
- 840 (65) an audio or video recording created by a body-worn camera, as that term is defined in  
841 Section 77-7a-103, that records sound or images inside a hospital or health care facility  
842 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,  
843 as that term is defined in Section 78B-3-403, or inside a human service program as that

- 844 term is defined in Section 26B-2-101, except for recordings that:
- 845 (a) depict the commission of an alleged crime;
- 846 (b) record any encounter between a law enforcement officer and a person that results in  
847 death or bodily injury, or includes an instance when an officer fires a weapon;
- 848 (c) record any encounter that is the subject of a complaint or a legal proceeding against a  
849 law enforcement officer or law enforcement agency;
- 850 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);  
851 or
- 852 (e) have been requested for reclassification as a public record by a subject or authorized  
853 agent of a subject featured in the recording;
- 854 (66) a record pertaining to the search process for a president of an institution of higher  
855 education described in Section 53B-2-102, except for application materials for a publicly  
856 announced finalist;
- 857 (67) an audio recording that is:
- 858 (a) produced by an audio recording device that is used in conjunction with a device or  
859 piece of equipment designed or intended for resuscitating an individual or for treating  
860 an individual with a life-threatening condition;
- 861 (b) produced during an emergency event when an individual employed to provide law  
862 enforcement, fire protection, paramedic, emergency medical, or other first responder  
863 service:
- 864 (i) is responding to an individual needing resuscitation or with a life-threatening  
865 condition; and
- 866 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
867 individual or for treating an individual with a life-threatening condition; and
- 868 (c) intended and used for purposes of training emergency responders how to improve  
869 their response to an emergency situation;
- 870 (68) records submitted by or prepared in relation to an applicant seeking a recommendation  
871 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the  
872 Audit Subcommittee, established under Section 36-12-8, for an employment position  
873 with the Legislature;
- 874 (69) work papers as defined in Section 31A-2-204;
- 875 (70) a record made available to Adult Protective Services or a law enforcement agency  
876 under Section 61-1-206;
- 877 (71) a record submitted to the Insurance Department in accordance with Section

- 878 31A-37-201;
- 879 (72) a record described in Section 31A-37-503;
- 880 (73) any record created by the Division of Professional Licensing as a result of Subsection
- 881 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 882 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
- 883 involving an amusement ride;
- 884 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
- 885 political petition, or on a request to withdraw a signature from a political petition,
- 886 including a petition or request described in the following titles:
- 887 (a) Title 10, Utah Municipal Code;
- 888 (b) Title 17, Counties;
- 889 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 890 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 891 (e) Title 20A, Election Code;
- 892 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
- 893 voter registration record;
- 894 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
- 895 described in Subsection (75) or (76), in the custody of the lieutenant governor or a local
- 896 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 897 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
- 898 Victims Guidelines for Prosecutors Act;
- 899 (79) a record submitted to the Insurance Department under Section 31A-48-103;
- 900 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
- 901 prohibited under Section 63G-26-103;
- 902 (81) an image taken of an individual during the process of booking the individual into jail,
- 903 unless:
- 904 (a) the individual is convicted of a criminal offense based upon the conduct for which
- 905 the individual was incarcerated at the time the image was taken;
- 906 (b) a law enforcement agency releases or disseminates the image:
- 907 (i) after determining that the individual is a fugitive or an imminent threat to an
- 908 individual or to public safety and releasing or disseminating the image will assist
- 909 in apprehending the individual or reducing or eliminating the threat; or
- 910 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 911 to a criminal investigation or criminal proceeding for the purpose of identifying or

- 912            locating an individual in connection with the criminal investigation or criminal  
913            proceeding; or
- 914        (c) a judge orders the release or dissemination of the image based on a finding that the  
915            release or dissemination is in furtherance of a legitimate law enforcement interest;
- 916 (82) a record:
- 917        (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 918        (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
919            representative from another state or the federal government as provided in Section  
920            63M-14-205; and
- 921        (c) the disclosure of which would:
- 922            (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
923            Colorado River system;
- 924            (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
925            negotiate the best terms and conditions regarding the use of water in the Colorado  
926            River system; or
- 927            (iii) give an advantage to another state or to the federal government in negotiations  
928            regarding the use of water in the Colorado River system;
- 929 (83) any part of an application described in Section 63N-16-201 that the Governor's Office  
930            of Economic Opportunity determines is nonpublic, confidential information that if  
931            disclosed would result in actual economic harm to the applicant, but this Subsection (83)  
932            may not be used to restrict access to a record evidencing a final contract or approval  
933            decision;
- 934 (84) the following records of a drinking water or wastewater facility:
- 935        (a) an engineering or architectural drawing of the drinking water or wastewater facility;  
936            and
- 937        (b) except as provided in Section 63G-2-106, a record detailing tools or processes the  
938            drinking water or wastewater facility uses to secure, or prohibit access to, the records  
939            described in Subsection (84)(a);
- 940 (85) a statement that an employee of a governmental entity provides to the governmental  
941            entity as part of the governmental entity's personnel or administrative investigation into  
942            potential misconduct involving the employee if the governmental entity:
- 943        (a) requires the statement under threat of employment disciplinary action, including  
944            possible termination of employment, for the employee's refusal to provide the  
945            statement; and

- 946 (b) provides the employee assurance that the statement cannot be used against the  
 947 employee in any criminal proceeding;
- 948 (86) any part of an application for a Utah Fits All Scholarship account described in Section  
 949 53F-6-402 or other information identifying a scholarship student as defined in Section  
 950 53F-6-401; [and]
- 951 (87) a record:
- 952 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 953 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
 954 person concerning the claim, including a representative from another state or the  
 955 federal government; and
- 956 (c) the disclosure of which would:
- 957 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
 958 Great Salt Lake;
- 959 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms  
 960 and conditions regarding the use of water in the Great Salt Lake; or
- 961 (iii) give an advantage to another person including another state or to the federal  
 962 government in negotiations regarding the use of water in the Great Salt Lake[-] ;  
 963 and
- 964 (88) a record of the Utah water agent, appointed under Section 73-10g-602:
- 965 (a) concerning a claim to the use of waters;
- 966 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
 967 representative from another state, a tribe, the federal government, or other  
 968 government entity as provided in Title 73, Chapter 10g, Part 6, Utah Water Agent;  
 969 and
- 970 (c) the disclosure of which would:
- 971 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 972 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions  
 973 regarding the use of water; or
- 974 (iii) give an advantage to another state, a tribe, the federal government, or other  
 975 government entity in negotiations regarding the use of water.
- 976 Section 5. Section **63G-6a-107.6** is amended to read:
- 977 **63G-6a-107.6 . Exemptions from chapter.**
- 978 (1) Except for this Subsection (1), the provisions of this chapter do not apply to:
- 979 (a) a public entity's acquisition of a procurement item from another public entity; or

- 980 (b) a public entity that is not a procurement unit, including the Colorado River Authority  
 981 of Utah as provided in Section 63M-14-210.
- 982 (2) Unless otherwise provided by statute and except for this Subsection (2), the provisions  
 983 of this chapter do not apply to the acquisition or disposal of real property or an interest  
 984 in real property.
- 985 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the  
 986 provisions of this chapter do not apply to:
- 987 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art  
 988 Act;
- 989 (b) a grant;
- 990 (c) medical supplies or medical equipment, including service agreements for medical  
 991 equipment, obtained by the University of Utah Hospital through a purchasing  
 992 consortium if:
- 993 (i) the consortium uses a competitive procurement process; and  
 994 (ii) the chief administrative officer of the hospital makes a written finding that the  
 995 prices for purchasing medical supplies and medical equipment through the  
 996 consortium are competitive with market prices;
- 997 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,  
 998 and State Lands, created in Section 65A-1-4, through the federal General Services  
 999 Administration or the National Fire Cache system;
- 1000 (e) supplies purchased for resale to the public; [~~or~~]
- 1001 (f) activities related to the management of investments by a public entity granted  
 1002 investment authority by law[-] ; or
- 1003 (g) activities of the Utah water agent appointed under Section 73-10g-602.
- 1004 (4) This chapter does not supersede the requirements for retention or withholding of  
 1005 construction proceeds and release of construction proceeds as provided in Section 13-8-5.
- 1006 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a  
 1007 procurement unit's hiring a mediator, arbitrator, or arbitration panel member to  
 1008 participate in the procurement unit's dispute resolution efforts.
- 1009 Section 6. Section **63I-1-273** is amended to read:
- 1010 **63I-1-273 . Repeal dates: Title 73.**
- 1011 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed January  
 1012 1, 2031.
- 1013 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1, 2028.

- 1014 (3) Title 73, Chapter 10g, Part 6, Utah Water Agent, is repealed July 1, 2034.
- 1015 [~~(3)~~] (4) Section 73-18-3.5, which authorizes the Division of Outdoor Recreation to appoint
- 1016 an advisory council that includes in the advisory council's duties advising on boating
- 1017 policies, is repealed July 1, 2024.
- 1018 [~~(4)~~] (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:
- 1019 (a) Subsection 73-1-4(2)(e)(xi) is repealed;
- 1020 (b) Subsection 73-10-4(1)(h) is repealed; and
- 1021 (c) Title 73, Chapter 31, Water Banking Act, is repealed.
- 1022 [~~(5)~~] (6) Sections 73-32-302 and 73-32-303, related to the Great Salt Lake Advisory
- 1023 Council, are repealed July 1, 2027.
- 1024 Section 7. Section **67-22-2** is amended to read:
- 1025 **67-22-2 . Compensation -- Other state officers.**
- 1026 (1) As used in this section:
- 1027 (a) "Appointed executive" means the:
- 1028 (i) commissioner of the Department of Agriculture and Food;
- 1029 (ii) commissioner of the Insurance Department;
- 1030 (iii) commissioner of the Labor Commission;
- 1031 (iv) director, Department of Alcoholic Beverage Services;
- 1032 (v) commissioner of the Department of Financial Institutions;
- 1033 (vi) executive director, Department of Commerce;
- 1034 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 1035 (viii) adjutant general;
- 1036 (ix) executive director, Department of Cultural and Community Engagement;
- 1037 (x) executive director, Department of Corrections;
- 1038 (xi) commissioner, Department of Public Safety;
- 1039 (xii) executive director, Department of Natural Resources;
- 1040 (xiii) executive director, Governor's Office of Planning and Budget;
- 1041 (xiv) executive director, Department of Government Operations;
- 1042 (xv) executive director, Department of Environmental Quality;
- 1043 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1044 (xvii) executive director, Department of Workforce Services;
- 1045 (xviii) executive director, Department of Health, Nonphysician;
- 1046 (xix) executive director, Department of Human Services;
- 1047 (xx) executive director, Department of Transportation;

- 1048 (xxi) executive director, Department of Veterans and Military Affairs;  
 1049 (xxii) executive director, Public Lands Policy Coordinating Office, created in Section  
 1050 63L-11-201; [~~and~~]  
 1051 (xxiii) Great Salt Lake commissioner, appointed under Section 73-32-201[-] ; and  
 1052 (xxiv) Utah water agent, appointed under Section 73-10g-602.
- 1053 (b) "Board or commission executive" means:
- 1054 (i) members, Board of Pardons and Parole;  
 1055 (ii) chair, State Tax Commission;  
 1056 (iii) commissioners, State Tax Commission;  
 1057 (iv) executive director, State Tax Commission;  
 1058 (v) chair, Public Service Commission; and  
 1059 (vi) commissioners, Public Service Commission.
- 1060 (c) "Deputy" means the person who acts as the appointed executive's second in  
 1061 command as determined by the Division of Human Resource Management.
- 1062 (2) (a) The director of the Division of Human Resource Management shall:
- 1063 (i) before October 31 of each year, recommend to the governor a compensation plan  
 1064 for the appointed executives and the board or commission executives; and  
 1065 (ii) base those recommendations on market salary studies conducted by the Division  
 1066 of Human Resource Management.
- 1067 (b) (i) The Division of Human Resource Management shall determine the salary  
 1068 range for the appointed executives by:
- 1069 (A) identifying the salary range assigned to the appointed executive's deputy;  
 1070 (B) designating the lowest minimum salary from those deputies' salary ranges as  
 1071 the minimum salary for the appointed executives' salary range; and  
 1072 (C) designating 105% of the highest maximum salary range from those deputies'  
 1073 salary ranges as the maximum salary for the appointed executives' salary range.
- 1074 (ii) If the deputy is a medical doctor, the Division of Human Resource Management  
 1075 may not consider that deputy's salary range in designating the salary range for  
 1076 appointed executives.
- 1077 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for  
 1078 board or commission executives, the Division of Human Resource Management  
 1079 shall set the maximum salary in the salary range for each of those positions at  
 1080 90% of the salary for district judges as established in the annual appropriation act  
 1081 under Section 67-8-2.



- 1082 (ii) In establishing the salary ranges for an individual described in Subsection  
1083 (1)(b)(ii) or (iii), the Division of Human Resource Management shall set the  
1084 maximum salary in the salary range for each of those positions at 100% of the  
1085 salary for district judges as established in the annual appropriation act under  
1086 Section 67-8-2.
- 1087 (3) (a) (i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the  
1088 governor shall establish a specific salary for each appointed executive within the  
1089 range established under Subsection (2)(b).
- 1090 (ii) If the executive director of the Department of Health is a physician, the governor  
1091 shall establish a salary within the highest physician salary range established by the  
1092 Division of Human Resource Management.
- 1093 (iii) The governor may provide salary increases for appointed executives within the  
1094 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
- 1095 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
1096 exempt positions.
- 1097 (c) The governor may develop standards and criteria for reviewing the appointed  
1098 executives.
- 1099 (d) If under Section 73-10g-602 the governor appoints an individual who is serving in an  
1100 appointed executive branch position to be the Utah water agent, the governor shall  
1101 adjust the salary of the Utah water agent to account for salary received for the  
1102 appointed executive branch position.
- 1103 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not  
1104 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
1105 Salary Act, shall be established as provided in Section 63A-17-301.
- 1106 (5) (a) The Legislature fixes benefits for the appointed executives and the board or  
1107 commission executives as follows:
- 1108 (i) the option of participating in a state retirement system established by Title 49,  
1109 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation  
1110 plan administered by the State Retirement Office in accordance with the Internal  
1111 Revenue Code and its accompanying rules and regulations;
- 1112 (ii) health insurance;
- 1113 (iii) dental insurance;
- 1114 (iv) basic life insurance;
- 1115 (v) unemployment compensation;

- 1116 (vi) workers' compensation;
- 1117 (vii) required employer contribution to Social Security;
- 1118 (viii) long-term disability income insurance;
- 1119 (ix) the same additional state-paid life insurance available to other noncareer service
- 1120 employees;
- 1121 (x) the same severance pay available to other noncareer service employees;
- 1122 (xi) the same leave, holidays, and allowances granted to Schedule B state employees
- 1123 as follows:
- 1124 (A) sick leave;
- 1125 (B) converted sick leave if accrued prior to January 1, 2014;
- 1126 (C) educational allowances;
- 1127 (D) holidays; and
- 1128 (E) annual leave except that annual leave shall be accrued at the maximum rate
- 1129 provided to Schedule B state employees;
- 1130 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 1131 provided by law or rule upon resignation or retirement according to the same
- 1132 criteria and procedures applied to Schedule B state employees;
- 1133 (xiii) the option to purchase additional life insurance at group insurance rates
- 1134 according to the same criteria and procedures applied to Schedule B state
- 1135 employees; and
- 1136 (xiv) professional memberships if being a member of the professional organization is
- 1137 a requirement of the position.
- 1138 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 1139 executive director from its existing budget.
- 1140 (6) The Legislature fixes the following additional benefits:
- 1141 (a) for the executive director of the State Tax Commission a vehicle for official and
- 1142 personal use;
- 1143 (b) for the executive director of the Department of Transportation a vehicle for official
- 1144 and personal use;
- 1145 (c) for the executive director of the Department of Natural Resources a vehicle for
- 1146 commute and official use;
- 1147 (d) for the commissioner of Public Safety:
- 1148 (i) an accidental death insurance policy if POST certified; and
- 1149 (ii) a public safety vehicle for official and personal use;

- 1150 (e) for the executive director of the Department of Corrections:  
1151 (i) an accidental death insurance policy if POST certified; and  
1152 (ii) a public safety vehicle for official and personal use;  
1153 (f) for the adjutant general a vehicle for official and personal use; and  
1154 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
1155 official use.

1156 Section 8. Section **73-10-3** is amended to read:

1157 **73-10-3 . Organization of board.**

1158 [(1)] The board shall elect a chair and one or more vice-chairs who shall be members of the  
1159 board, and shall establish the board's own rules of organization and procedure.

1160 [(2) The board, with the approval of the executive director of the Department of Natural  
1161 Resources and the governor, shall designate a representative who may be one of the  
1162 board's members to represent the state in interstate conferences between the state and  
1163 one or more sister states held for the purpose of entering into compacts between such  
1164 states for the division of the waters of interstate rivers, lakes, or other sources of water  
1165 supply, and to represent the state upon commissions or other governing bodies provided  
1166 for by any compacts that have been or may hereafter be entered into between the state  
1167 and one or more sister states. A compact may not become binding upon the state until  
1168 the compact is ratified and approved by the Utah State Legislature and the legislatures of  
1169 other states that are parties to the compact.]

1170 [(3) In acting as such representative of the state, the representative so acting shall act under  
1171 the supervision of the governor, through the executive director of the Department of  
1172 Natural Resources and of the Board of Water Resources. The director of the Division of  
1173 Finance shall fix the salary to be paid to the representative while the representative is  
1174 acting in this capacity.]

1175 [(4) The designee of the Water Resource Board shall continue to represent the state as  
1176 outlined in Subsections (2) and (3) on waters in the state except for:]

1177 [(a) the Colorado River system which is governed by Title 63M, Chapter 14, Colorado  
1178 River Authority of Utah Act; or]

1179 [(b) state representation under:]

1180 [(i) the Bear River Compact as provided in Section 73-16-4; or]

1181 [(ii) the Columbia Interstate Compact as provided in Section 73-19-9.]

1182 Section 9. Section **73-10-4** is amended to read:

1183 **73-10-4 . Powers and duties of board.**

- 1184 (1) The board shall have the following powers and duties to:
- 1185 (a) authorize studies, investigations, and plans for the full development, use, and
- 1186 promotion of the water and power resources of the state, including preliminary
- 1187 surveys, stream gauging, examinations, tests, and other estimates either separately or
- 1188 in consultation with federal, state and other agencies;
- 1189 (b) enter into contracts subject to the provisions of this chapter for the construction of
- 1190 conservation projects that in the opinion of the board will conserve and use for the
- 1191 best advantage of the people of this state the water and power resources of the state,
- 1192 including projects beyond the boundaries of the state of Utah located on interstate
- 1193 waters when the benefit of such projects accrues to the citizens of the state;
- 1194 (c) sue and be sued in accordance with applicable law;
- 1195 (d) ~~[supervise in cooperation with the governor and the executive director of the~~
- 1196 ~~Department of Natural Resources,]~~ cooperate with the Utah water agent, appointed
- 1197 under Section 73-10g-602, in matters affecting interstate compact negotiations and
- 1198 the administration of the compacts affecting the waters of interstate rivers, lakes and
- 1199 other sources of supply, with the exception of:
- 1200 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter
- 1201 14, Colorado River Authority of Utah Act; or
- 1202 (ii) state representation under:
- 1203 (A) the Bear River Compact as provided in Section 73-16-4; or
- 1204 (B) the Columbia Interstate Compact as provided in Section 73-19-9;
- 1205 (e) contract with federal and other agencies and with the National Water Resources
- 1206 Association and to make studies, investigations and recommendations and do all
- 1207 other things on behalf of the state for any purpose that relates to the development,
- 1208 conservation, protection and control of the water and power resources of the state;
- 1209 (f) consult and advise with the Utah Water Users' Association and other organized water
- 1210 users' associations in the state;
- 1211 (g) consider and make recommendations on behalf of the state of reclamation projects or
- 1212 other water development projects for construction by any agency of the state or
- 1213 United States and in so doing recommend the order in which projects shall be
- 1214 undertaken; or
- 1215 (h) review, approve, and revoke an application to create a water bank under Chapter 31,
- 1216 Water Banking Act, collect an annual report, maintain the water banking website, and
- 1217 conduct any other function related to a water bank as described in Chapter 31, Water

1218 Banking Act.

1219 (2) Nothing contained in this section shall be construed to impair or otherwise interfere  
1220 with the authority of the state engineer granted by this title, except as specifically  
1221 otherwise provided in this section.

1222 Section 10. Section **73-10-18** is amended to read:

1223 **73-10-18 . Division of Water Resources -- Creation -- Power and authority.**

1224 (1) There is created the Division of Water Resources, which shall be within the Department  
1225 of Natural Resources under the administration and general supervision of the executive  
1226 director of the Department of Natural Resources and under the policy direction of the  
1227 Board of Water Resources.

1228 (2) Except for the waters of the Colorado River system that are governed by Title 63M,  
1229 Chapter 14, Colorado River Authority of Utah Act, or state representation under the  
1230 Bear River Compact or Columbia Interstate Compact, the Division of Water Resources  
1231 shall:

1232 (a) be the water resource authority for the state; and

1233 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah  
1234 water and power board except those which are delegated to the board by this act and  
1235 is vested with such other functions, powers, duties, rights and responsibilities as  
1236 provided in this act and other law.

1237 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section  
1238 73-10g-602, has authority over out-of-state negotiations related to water importation in  
1239 accordance with Chapter 10g, Part 6, Utah Water Agent, except when limited by Section  
1240 73-10g-603.

1241 Section 11. Section **73-10g-104** is amended to read:

1242 **73-10g-104 . Authorized use of the Water Infrastructure Restricted Account.**

1243 Money in the restricted account is to be used, subject to appropriation, for:

1244 (1) the development of the state's undeveloped share of the Bear and Colorado rivers,  
1245 pursuant to existing interstate compacts governing both rivers as described in Chapter  
1246 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development  
1247 Act;

1248 (2) repair, replacement, or improvement of federal water projects for local sponsors in the  
1249 state when federal funds are not available;

1250 (3) study and development of rules, criteria, targets, processes, and plans, as described in  
1251 Subsection 73-10g-105(3); [and]

- 1252 (4) a project that benefits the Colorado River drainage in Utah, including projects for water  
 1253 reuse, desalinization, building of dams, or water conservation, if a county or  
 1254 municipality that benefits from the project:
- 1255 (a) requires a new residential subdivision follow the regional conservation level of .59  
 1256 acre-feet regardless of whether the outside water is potable, reuse, or secondary water;
- 1257 (b) adopts and implements the local water conservancy district's emergency drought  
 1258 contingency plan;
- 1259 (c) adopts and implements the local water conservancy district's grass rebate program's  
 1260 maximum grass restrictions;
- 1261 (d) prohibits grass in new retail, industrial, or commercial facility landscaping;
- 1262 (e) has reuse water be managed by the local water conservancy district;
- 1263 (f) does not withdraw water from an aquifer in excess of the safe yield of the aquifer as  
 1264 defined in Section 73-5-15;
- 1265 (g) adopts and implements excess water use surcharges;
- 1266 (h) prohibits private water features in new development, such as a fountain, pond, or ski  
 1267 lake; and
- 1268 (i) prohibits large grassy areas in new development, unless the large grassy area is open  
 1269 to the general public[-] ; and
- 1270 (5) a project recommended to the Legislature by the Water District Water Development  
 1271 Council, created in Section 11-13-228, for generational water infrastructure, as defined  
 1272 in Section 11-13-228.

1273 Section 12. Section **73-10g-601** is enacted to read:

1274 **Part 6. Utah Water Agent**

1275 **73-10g-601 . Definitions.**

1276 As used in this part:

- 1277 (1) "Council" means the Water District Water Development Council created pursuant to  
 1278 Section 11-13-228.
- 1279 (2) "Division" means the Division of Water Resources.
- 1280 (3) "State or local entity" means:
- 1281 (a) a department, division, commission, agency, or other instrumentality of state  
 1282 government; or
- 1283 (b) a political subdivision or the political subdivision's instrumentalities.
- 1284 (4) "Water agent" means the Utah water agent appointed by the governor under Section

1285 73-10g-602.

1286 Section 13. Section **73-10g-602** is enacted to read:

1287 **73-10g-602 . Utah water agent.**

1288 (1) (a) The governor shall appoint, with the advice and consent of the Senate, a resident  
1289 of this state to be the Utah water agent.

1290 (b) The governor shall consult with the speaker of the House of Representatives and the  
1291 president of the Senate before appointing the water agent.

1292 (c) The water agent is a state employee.

1293 (d) The governor may appoint an individual who is serving in an executive branch  
1294 appointed position to be the water agent, and the individual may serve in both  
1295 positions, except that the governor shall adjust the salary of the water agent to  
1296 account for salary received for the executive branch appointed position.

1297 (2) The water agent shall serve a term of six years and may be appointed to more than one  
1298 term, but is subject to removal at the pleasure of the governor.

1299 (3) If there is a vacancy in the position of water agent for any reason, the governor shall  
1300 appoint a replacement using the same procedure as Subsection (1), including the  
1301 requirement of the advice and consent of the Senate.

1302 (4) Subject to Subsection (1)(d), the governor shall establish the water agent's compensation  
1303 within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer  
1304 Compensation.

1305 (5) (a) Upon appropriation by the Legislature, state money shall be used for the  
1306 administration of this part, including paying the costs of:

1307 (i) subject to Subsection (5)(b), the water agent's administrative, office, and staff  
1308 support; and

1309 (ii) reasonable travel expenses.

1310 (b) The water agent shall use office and staffing support provided under Subsection  
1311 11-13-228(2)(e).

1312 Section 14. Section **73-10g-603** is enacted to read:

1313 **73-10g-603 . Powers and duties of water agent.**

1314 (1) (a) Subject to Subsection (1)(b) and in consultation with the speaker of the House of  
1315 Representatives, president of the Senate, and governor, the water agent shall explore  
1316 and negotiate with officials of other states, tribes, and other government entities  
1317 regarding possible water importation projects, including:

1318 (i) for the citizens of Utah, representing the state concerning waters of out-of-state

- 1319 rivers, lakes, and other sources of supply of waters except when representation is  
1320 otherwise provided in statute;
- 1321 (ii) identifying potential out-of-state water resources;  
1322 (iii) working with the council and division to match the water resources described in  
1323 Subsection (1)(a)(ii) to needs identified by the council or division;  
1324 (iv) establishing a strategy to designate what out-of-state water resources to pursue  
1325 and how to execute that strategy;  
1326 (v) negotiating directly with out-of-state partners to execute the strategy described in  
1327 Subsection (1)(a)(iv);  
1328 (vi) represent the state in interstate conferences between the state and one or more  
1329 sister states held for the purpose of entering into compacts between such states for  
1330 the division of the waters of interstate rivers, lakes, or other sources of water  
1331 supply, and to represent the state upon commissions or other governing bodies  
1332 provided for by any compacts that have been or may be entered into between the  
1333 state and one or more sister states, except that a compact is not binding on the  
1334 state until the compact is ratified and approved by the Legislature and the  
1335 legislatures of other states that are parties to the compact;  
1336 (vii) recommending to the Legislature and to the council actions that may assist in the  
1337 development of, strategies for, and execution of water importation projects; and  
1338 (viii) annually reporting findings and recommendations to:
- 1339 (A) the governor;  
1340 (B) the president of the Senate;  
1341 (C) the speaker of the House of Representatives;  
1342 (D) the Legislative Water Development Commission created in Section 73-27-102;  
1343 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and  
1344 (F) the Board of Water Resources created in Section 73-10-1.5.
- 1345 (b) The water agent may not act under this section in relation to interests governed by  
1346 interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado  
1347 River Compacts and the 1980 Amended Bear River Compact.
- 1348 (2) The water agent shall consult and work with the council, state entities, the Colorado  
1349 River Authority of Utah, and other bodies established by the state for interstate water  
1350 negotiations.
- 1351 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,  
1352 upon request of the water agent, a state or local entity shall provide to the water agent a



- 1353 document, report, or information available within the state or local entity.
- 1354 (4) The water agent may negotiate with tribes in accordance with this section, except to the
- 1355 extent that the water at issue comes from the Colorado River.
- 1356 (5) This chapter may not be interpreted to override, substitute, or modify a water right
- 1357 within the state or the role and authority of the state engineer.

Section 15. **FY 2025 Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for fiscal year 2025.

Subsection 15(a) **Operating and Capital Budgets**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

1366	ITEM 1 To Governor's Office - Utah Water Agent	
1367	From General Fund	\$1,000,000
1368	From General Fund, One-time	\$3,000,000
1369	Schedule of Programs:	
1370	Utah Water Agent	\$4,000,000

The Legislature intends that the one-time appropriation in this bill of \$3,000,000 from the General Fund not lapse at the close of Fiscal Year 2025.

Section 16. **Effective date.**

This bill takes effect on May 1, 2024.