

Senator J. Stuart Adams proposes the following substitute bill:

GENERATIONAL WATER INFRASTRUCTURE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill addresses the development of water resources.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the creation of the Water District Water Development Council (council) under the Interlocal Cooperation Act;
- ▶ outlines restrictions on the council;
- ▶ provides for the powers and duties of the council;
- ▶ requires reporting by the council;
- ▶ requires consultation by the council;
- ▶ provides for access to documents of state or local agencies;
- ▶ amends provisions related to meetings and records of the council;
- ▶ addresses the powers and duties of the Board of Water Resources and the Division of Water Resources;
- ▶ addresses expenditures from the Water Infrastructure Restricted Account;
- ▶ provides for the appointment of the Utah water agent (water agent);
- ▶ 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
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 This bill appropriates in fiscal year 2025:

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

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

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

- 40 • from the General Fund, \$1,000,000

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **52-4-103**, as last amended by Laws of Utah 2023, Chapters 139, 374 and 457

46 **63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516

47 **63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329

48 **63G-6a-107.6**, as last amended by Laws of Utah 2021, Chapter 179

49 **63I-1-273**, as last amended by Laws of Utah 2023, Chapters 205, 261

50 **67-22-2**, as last amended by Laws of Utah 2023, Chapter 205

51 **73-10-3**, as last amended by Laws of Utah 2023, Chapter 140

52 **73-10-4**, as last amended by Laws of Utah 2023, Chapter 140

53 **73-10-18**, as last amended by Laws of Utah 2023, Chapter 140

54 **73-10g-104**, as last amended by Laws of Utah 2023, Chapter 261

55 ENACTS:

56 **11-13-228**, Utah Code Annotated 1953

57 [73-10g-601](#), Utah Code Annotated 1953
58 [73-10g-602](#), Utah Code Annotated 1953
59 [73-10g-603](#), Utah Code Annotated 1953



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

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

63 **11-13-228. Water District Water Development Council.**

64 (1) As used in this section:

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

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

68 (c) "Generational" means sufficient to meet anticipated demand for 50 to 75 years.

69 (d) "Generational water infrastructure" means physical facilities or other physical
70 assets designed to meet generational demands for water.

71 (e) "State or local entity" means:

72 (i) a department, division, commission, agency, or other instrumentality of state
73 government; or

74 (ii) a political subdivision or the political subdivision's instrumentalities.

75 (f) "Water agent" means the Utah water agent appointed by the governor under Section
76 [73-10g-602](#).

77 (g) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
78 Part 10, Water Conservancy District Act.

79 (2) (a) Subject to the provisions of this part, the four largest water conservancy districts
80 in the state based on operating budgets shall enter into an agreement with one another and the
81 division to form the Water District Water Development Council as a joint administrator of a
82 joint or cooperative undertaking.

83 (b) The members of the council shall consist of:

84 (i) the general manager or the general manager's designee for each of the water
85 conservancy districts described in Subsection (2)(a); and

86 (ii) the director of the division, who will represent the needs of the portions of the state
87 that are not served by the water conservancy districts in the agreement.

88 (c) Members of the council may not receive compensation, per diem, or expenses for
89 service on the council.

90 (d) The council shall appoint a director to manage operations of the council. The
91 council shall set the salary for the director and the director serves at the pleasure of the council.

92 (e) The council shall establish and maintain office space and staff for the council and
93 the water agent. The water conservancy districts that enter into the agreement shall pay the
94 costs of the office space and staff that are directly related to the activities of the council,
95 including staff from a water conservancy district that is assigned to work with the council,
96 except that, to the extent appropriated by the Legislature, the state shall pay the costs of the
97 water agent and any costs for non-district staff hired to solely work for the council or water
98 agent.

99 (3) (a) The council may not own or operate water infrastructure, but may advise a water
100 conservancy district that enters into the agreement about the development of generational water
101 infrastructure by a water conservancy district.

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

108 (i) assessing generational water needs based on population growth and economic
109 development;

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

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

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

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

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

- 119 (vii) coordinating with other water suppliers within the state as needed;
120 (viii) making recommendations to the Legislature regarding projects, funding, and
121 policy changes to provide for generational water needs; and
122 (ix) annually reporting findings and recommendations to:
123 (A) the governor;
124 (B) the president of the Senate;
125 (C) the speaker of the House of Representatives;
126 (D) the Legislative Water Development Commission created by Section [73-27-102](#);
127 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
128 (F) the Water Development Coordinating Council created by Sections [79-2-201](#) and
129 [73-10c-3](#).
- 130 (c) The council shall coordinate with the division regarding the need for generational
131 water infrastructure and how to meet that need and, as part of this coordination the council
132 shall assist the division in the division's development of a state water plan under Section
133 [73-10-15](#).
- 134 (d) The council shall receive input from and coordinate with the water agent.
135 (e) The council may not levy, assess, or collect ad valorem property taxes or issue
136 bonds.
- 137 (f) The council shall adopt policies for procurement that enable the council to
138 efficiently fulfill the council's responsibilities under the agreement.
- 139 (g) The council is advisory and may not establish policy for the state.
140 (h) The council does not control money used to fund water infrastructure.
- 141 (4) Subject to Title 63G, Chapter 2, Government Records Access and Management
142 Act, upon request of the council, a state or local entity shall provide to the water agent a
143 document, report, or information available within the state or local entity.
- 144 (5) Nothing in this section restricts the ability of a water conservancy district to
145 contract under Subsection [17B-2a-1004\(2\)](#).

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

147 **52-4-103. Definitions.**

148 As used in this chapter:

- 149 (1) "Anchor location" means the physical location from which:

150 (a) an electronic meeting originates; or

151 (b) the participants are connected.

152 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
153 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
154 City.

155 (3) (a) "Convening" means the calling together of a public body by a person authorized
156 to do so for the express purpose of discussing or acting upon a subject over which that public
157 body has jurisdiction or advisory power.

158 (b) "Convening" does not include the initiation of a routine conversation between
159 members of a board of trustees of a large public transit district if the members involved in the
160 conversation do not, during the conversation, take a tentative or final vote on the matter that is
161 the subject of the conversation.

162 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
163 conference using electronic communications.

164 (5) "Electronic message" means a communication transmitted electronically, including:

165 (a) electronic mail;

166 (b) instant messaging;

167 (c) electronic chat;

168 (d) text messaging, which means a communication in the form of electronic text or one
169 or more electronic images sent by the actor from a telephone, computer, or other electronic
170 communication device to another person's telephone, computer, or electronic communication
171 device by addressing the communication to the person's telephone number or other electronic
172 communication access code or number; or

173 (e) any other method that conveys a message or facilitates communication
174 electronically.

175 (6) "Fiduciary or commercial information" means information:

176 (a) related to any subject if disclosure:

177 (i) would conflict with a fiduciary obligation; or

178 (ii) is prohibited by insider trading provisions; or

179 (b) that is commercial in nature including:

180 (i) account owners or borrowers;

- 181 (ii) demographic data;
- 182 (iii) contracts and related payments;
- 183 (iv) negotiations;
- 184 (v) proposals or bids;
- 185 (vi) investments;
- 186 (vii) management of funds;
- 187 (viii) fees and charges;
- 188 (ix) plan and program design;
- 189 (x) investment options and underlying investments offered to account owners;
- 190 (xi) marketing and outreach efforts;
- 191 (xii) financial plans; or
- 192 (xiii) reviews and audits excluding the final report required under Section 53B-8a-111.

193 (7) (a) "Meeting" means the convening of a public body or a specified body, with a
194 quorum present, including a workshop or an executive session, whether in person or by means
195 of electronic communications, for the purpose of discussing, receiving comments from the
196 public about, or acting upon a matter over which the public body or specified body has
197 jurisdiction or advisory power.

198 (b) "Meeting" does not mean:

- 199 (i) a chance gathering or social gathering;
- 200 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
201 accordance with Section 59-1-405; or
- 202 (iii) a convening of a three-member board of trustees of a large public transit district as
203 defined in Section 17B-2a-802 if:

204 (A) the board members do not, during the conversation, take a tentative or final vote on
205 the matter that is the subject of the conversation; or

206 (B) the conversation pertains only to day-to-day management and operation of the
207 public transit district.

208 (c) "Meeting" does not mean the convening of a public body that has both legislative
209 and executive responsibilities if:

- 210 (i) no public funds are appropriated for expenditure during the time the public body is
211 convened; and

212 (ii) the public body is convened solely for the discussion or implementation of
213 administrative or operational matters:

214 (A) for which no formal action by the public body is required; or

215 (B) that would not come before the public body for discussion or action.

216 (8) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
217 public statements of each member of the public body who is participating in a meeting.

218 (9) "Participate" means the ability to communicate with all of the members of a public
219 body, either verbally or electronically, so that each member of the public body can hear or
220 observe the communication.

221 (10) (a) "Public body" means:

222 (i) any administrative, advisory, executive, or legislative body of the state or its
223 political subdivisions that:

224 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

225 (B) consists of two or more persons;

226 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

227 (D) is vested with the authority to make decisions regarding the public's business; or

228 (ii) any administrative, advisory, executive, or policymaking body of an association, as
229 that term is defined in Section [53G-7-1101](#), that:

230 (A) consists of two or more persons;

231 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
232 school or whose employees participate in a benefit or program described in Title 49, Utah State
233 Retirement and Insurance Benefit Act; and

234 (C) is vested with authority to make decisions regarding the participation of a public
235 school or student in an interscholastic activity, as that term is defined in Section [53G-7-1101](#).

236 (b) "Public body" includes:

237 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in
238 Section [11-13-103](#), except for the Water District Water Development Council created pursuant
239 to Section [11-13-228](#);

240 (ii) a governmental nonprofit corporation as that term is defined in Section [11-13a-102](#);

241 (iii) the Utah Independent Redistricting Commission; and

242 (iv) a project entity, as that term is defined in Section [11-13-103](#).

243 (c) "Public body" does not include:
244 (i) a political party, a political group, or a political caucus;
245 (ii) a conference committee, a rules committee, or a sifting committee of the
246 Legislature;
247 (iii) a school community council or charter trust land council, as that term is defined in
248 Section [53G-7-1203](#);
249 (iv) a taxed interlocal entity, as that term is defined in Section [11-13-602](#), if the taxed
250 interlocal entity is not a project entity; or
251 (v) the following Legislative Management subcommittees, which are established in
252 Section [36-12-8](#), when meeting for the purpose of selecting or evaluating a candidate to
253 recommend for employment, except that the meeting in which a subcommittee votes to
254 recommend that a candidate be employed shall be subject to the provisions of this act:
255 (A) the Research and General Counsel Subcommittee;
256 (B) the Budget Subcommittee; and
257 (C) the Audit Subcommittee.
258 (11) "Public statement" means a statement made in the ordinary course of business of
259 the public body with the intent that all other members of the public body receive it.
260 (12) (a) "Quorum" means a simple majority of the membership of a public body, unless
261 otherwise defined by applicable law.
262 (b) "Quorum" does not include a meeting of two elected officials by themselves when
263 no action, either formal or informal, is taken.
264 (13) "Recording" means an audio, or an audio and video, record of the proceedings of a
265 meeting that can be used to review the proceedings of the meeting.
266 (14) "Specified body":
267 (a) means an administrative, advisory, executive, or legislative body that:
268 (i) is not a public body;
269 (ii) consists of three or more members; and
270 (iii) includes at least one member who is:
271 (A) a legislator; and
272 (B) officially appointed to the body by the president of the Senate, speaker of the
273 House of Representatives, or governor; and

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

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

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

278 **63G-2-103. Definitions.**

279 As used in this chapter:

280 (1) "Audit" means:

281 (a) a systematic examination of financial, management, program, and related records
282 for the purpose of determining the fair presentation of financial statements, adequacy of
283 internal controls, or compliance with laws and regulations; or

284 (b) a systematic examination of program procedures and operations for the purpose of
285 determining their effectiveness, economy, efficiency, and compliance with statutes and
286 regulations.

287 (2) "Chronological logs" mean the regular and customary summary records of law
288 enforcement agencies and other public safety agencies that show:

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

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

292 (3) "Classification," "classify," and their derivative forms mean determining whether a
293 record series, record, or information within a record is public, private, controlled, protected, or
294 exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

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

296 (i) a series of instructions or statements that permit the functioning of a computer
297 system in a manner designed to provide storage, retrieval, and manipulation of data from the
298 computer system; and

299 (ii) any associated documentation and source material that explain how to operate the
300 computer program.

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

302 (i) the original data, including numbers, text, voice, graphics, and images;

303 (ii) analysis, compilation, and other manipulated forms of the original data produced by
304 use of the program; or

305 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
306 algorithms contained in the program, that would be used if the manipulated forms of the
307 original data were to be produced manually.

308 (5) (a) "Contractor" means:

309 (i) any person who contracts with a governmental entity to provide goods or services
310 directly to a governmental entity; or

311 (ii) any private, nonprofit organization that receives funds from a governmental entity.

312 (b) "Contractor" does not mean a private provider.

313 (6) "Controlled record" means a record containing data on individuals that is controlled
314 as provided by Section [63G-2-304](#).

315 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
316 governmental entity's familiarity with a record series or based on a governmental entity's
317 review of a reasonable sample of a record series, the primary classification that a majority of
318 records in a record series would be given if classified and the classification that other records
319 typically present in the record series would be given if classified.

320 (8) "Elected official" means each person elected to a state office, county office,
321 municipal office, school board or school district office, special district office, or special service
322 district office, but does not include judges.

323 (9) "Explosive" means a chemical compound, device, or mixture:

324 (a) commonly used or intended for the purpose of producing an explosion; and

325 (b) that contains oxidizing or combustive units or other ingredients in proportions,
326 quantities, or packing so that:

327 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
328 compound or mixture may cause a sudden generation of highly heated gases; and

329 (ii) the resultant gaseous pressures are capable of:

330 (A) producing destructive effects on contiguous objects; or

331 (B) causing death or serious bodily injury.

332 (10) "Government audit agency" means any governmental entity that conducts an audit.

333 (11) (a) "Governmental entity" means:

334 (i) executive department agencies of the state, the offices of the governor, lieutenant
335 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,

336 the Board of Examiners, the National Guard, the Career Service Review Office, the State
337 Board of Education, the Utah Board of Higher Education, and the State Archives;

338 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
339 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
340 committees, except any political party, group, caucus, or rules or sifting committee of the
341 Legislature;

342 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
343 administrative units in the judicial branch;

344 (iv) any state-funded institution of higher education or public education; or

345 (v) any political subdivision of the state, but, if a political subdivision has adopted an
346 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
347 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
348 as specified in any other section of this chapter 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 by the
352 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 pursuant to
355 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
362 in Section 53B-8a-103.

363 (12) "Gross compensation" means every form of remuneration payable for a given
364 period to an individual for services provided including salaries, commissions, vacation pay,
365 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
366 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 describing official
370 actions initially taken in response to either a public complaint about or the discovery of an
371 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
382 after 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 it is
384 private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

385 (c) Initial contact reports do not include accident reports, as that term is described in
386 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

387 (15) "Legislative body" means the Legislature.

388 (16) "Notice of compliance" means a statement confirming that a governmental entity
389 has complied with an order of the State Records Committee.

390 (17) "Person" means:

391 (a) an individual;

392 (b) a nonprofit or profit corporation;

393 (c) a partnership;

394 (d) a sole proprietorship;

395 (e) other type of business organization; or

396 (f) any combination acting in concert with one another.

397 (18) "Personal identifying information" means the same as that term is defined in

398 Section 63A-12-100.5.

399 (19) "Privacy annotation" means the same as that term is defined in Section
400 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
406 Section 63G-2-305.

407 (23) "Public record" means a record that is not private, controlled, or protected and that
408 is 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 physical form
414 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 or
421 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 originator is
426 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 collections
436 of a library open to the public, regardless of physical form or characteristics of the material;
- 437 (ix) a daily calendar or other personal note prepared by the originator for the
438 originator's personal use or for the personal use of an individual for whom the originator is
439 working;
- 440 (x) a computer program that is developed or purchased by or for any governmental
441 entity for its own use;
- 442 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 443 (A) a member of the judiciary;
- 444 (B) an administrative law judge;
- 445 (C) a member of the Board of Pardons and Parole; or
- 446 (D) a member of any other body, other than an association or appeals panel as defined
447 in Section 53G-7-1101, charged by law with performing a quasi-judicial function;
- 448 (xii) a telephone number or similar code used to access a mobile communication
449 device that is used by an employee or officer of a governmental entity, provided that the
450 employee or officer of the governmental entity has designated at least one business telephone
451 number that is a public record as provided in Section 63G-2-301;
- 452 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
453 created in Section 49-20-103, to a county to enable the county to calculate the amount to be
454 paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 455 (xiv) information that an owner of unimproved property provides to a local entity as
456 provided in Section 11-42-205;
- 457 (xv) a video or audio recording of an interview, or a transcript of the video or audio
458 recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;
- 459 (xvi) child sexual abuse material, as defined by Section 76-5b-103;

460 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
461 of the closed portion of a meeting or hearing of:

462 (A) a Senate or House Ethics Committee;

463 (B) the Independent Legislative Ethics Commission;

464 (C) the Independent Executive Branch Ethics Commission, created in Section
465 63A-14-202; or

466 (D) the Political Subdivisions Ethics Review Commission established in Section
467 63A-15-201; or

468 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or
469 58-61-702.

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

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

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

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

482 (a) conducted:

483 (i) by an institution within the state system of higher education defined in Section
484 53B-1-102; and

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

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

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

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

490 (30) "State archives" means the Division of Archives and Records Service created in

491 Section 63A-12-101.

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

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

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

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

499 **63G-2-305. Protected records.**

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

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

503 (2) commercial information or nonindividual financial information obtained from a
504 person if:

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

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

510 (c) the person submitting the information has provided the governmental entity with
511 the information specified in Section 63G-2-309;

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

516 (4) records, the disclosure of which could cause commercial injury to, or confer a
517 competitive advantage upon a potential or actual competitor of, a commercial project entity as
518 defined in Subsection 11-13-103(4);

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

521 (6) records, the disclosure of which would impair governmental procurement

522 proceedings or give an unfair advantage to any person proposing to enter into a contract or
523 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
524 Subsection (6) does not restrict the right of a person to have access to, after the contract or
525 grant has been awarded and signed by all parties:

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

528 (i) an invitation for bids;

529 (ii) a request for proposals;

530 (iii) a request for quotes;

531 (iv) a grant; or

532 (v) other similar document; or

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

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

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

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

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

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

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

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

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

552 (d) in the case of records that would identify the appraisal or estimated value of

553 property, the potential sellers have already learned of the governmental entity's estimated value
554 of the property; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 (A) members of a legislative body;

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

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

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

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

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

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

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

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

630 (a) collective bargaining; or

631 (b) imminent or pending litigation;

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

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

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

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

643 (28) records of an institution within the state system of higher education defined in
644 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
645 retention decisions, and promotions, which could be properly discussed in a meeting closed in

646 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
647 the final decisions about tenure, appointments, retention, promotions, or those students
648 admitted, may not be classified as protected under this section;

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

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

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

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

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

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

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

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

676 (37) the name of a donor or a prospective donor to a governmental entity, including an

677 institution within the state system of higher education defined in Section 53B-1-102, and other
678 information concerning the donation that could reasonably be expected to reveal the identity of
679 the donor, provided that:

680 (a) the donor requests anonymity in writing;

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

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

688 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
689 73-18-13;

690 (39) a notification of workers' compensation insurance coverage described in Section
691 34A-2-205;

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

695 (i) unpublished lecture notes;

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

697 (A) relating to research; and

698 (B) of:

699 (I) the institution within the state system of higher education defined in Section
700 53B-1-102; or

701 (II) a sponsor of sponsored research;

702 (iii) unpublished manuscripts;

703 (iv) creative works in process;

704 (v) scholarly correspondence; and

705 (vi) confidential information contained in research proposals;

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

708 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
709 (41) (a) records in the custody or control of the Office of the Legislative Auditor
710 General that would reveal the name of a particular legislator who requests a legislative audit
711 prior to the date that audit is completed and made public; and
712 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
713 Office of the Legislative Auditor General is a public document unless the legislator asks that
714 the records in the custody or control of the Office of the Legislative Auditor General that would
715 reveal the name of a particular legislator who requests a legislative audit be maintained as
716 protected records until the audit is completed and made public;
717 (42) records that provide detail as to the location of an explosive, including a map or
718 other document that indicates the location of:
719 (a) a production facility; or
720 (b) a magazine;
721 (43) information contained in the statewide database of the Division of Aging and
722 Adult Services created by Section [26B-6-210](#);
723 (44) information contained in the Licensing Information System described in Title 80,
724 Chapter 2, Child Welfare Services;
725 (45) information regarding National Guard operations or activities in support of the
726 National Guard's federal mission;
727 (46) records provided by any pawn or secondhand business to a law enforcement
728 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
729 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
730 (47) information regarding food security, risk, and vulnerability assessments performed
731 by the Department of Agriculture and Food;
732 (48) except to the extent that the record is exempt from this chapter pursuant to Section
733 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
734 prepared or maintained by the Division of Emergency Management, and the disclosure of
735 which would jeopardize:
736 (a) the safety of the general public; or
737 (b) the security of:
738 (i) governmental property;

739 (ii) governmental programs; or
740 (iii) the property of a private person who provides the Division of Emergency
741 Management information;

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

746 (50) as provided in Section [26B-2-408](#):

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

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

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

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

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

760 (i) the nature of the law, ordinance, rule, or order; and
761 (ii) the individual complying with the law, ordinance, rule, or order;

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

765 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
766 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),
767 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);

768 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or
769 (c) a notice of intent to gather signatures for candidacy, described in Section

770 20A-9-408;

771 (53) the name, home address, work addresses, and telephone numbers of an individual
772 that is engaged in, or that provides goods or services for, medical or scientific research that is:

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

774 53B-1-102; and

775 (b) conducted using animals;

776 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance

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

778 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and

779 information disclosed under Subsection 78A-12-203(5)(e);

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

781 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

782 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

783 the information or report;

784 (56) records provided or received by the Public Lands Policy Coordinating Office in
785 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

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

787 63H-7a-302;

788 (58) in accordance with Section 73-10-33:

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

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

793 (59) the following records in the custody or control of the Office of Inspector General
794 of Medicaid Services, created in Section 63A-13-201:

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

801 (b) records and audit workpapers to the extent they would disclose the identity of a
802 person who, during the course of an investigation or audit, communicated the existence of any
803 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
804 regulation adopted under the laws of this state, a political subdivision of the state, or any
805 recognized entity of the United States, if the information was disclosed on the condition that
806 the identity of the person be protected;

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

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

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

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

817 (61) information provided to the Department of Health and Human Services or the
818 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
819 58-68-304(3) and (4);

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

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

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

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

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

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

830 (65) an audio or video recording created by a body-worn camera, as that term is
831 defined in Section 77-7a-103, that records sound or images inside a hospital or health care

832 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
833 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
834 that term is defined in Section 26B-2-101, except for recordings that:

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

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

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

840 (d) contain an officer involved critical incident as defined in Subsection
841 76-2-408(1)(f); or

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

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

847 (67) an audio recording that is:

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

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

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

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

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

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

- 863 (69) work papers as defined in Section 31A-2-204;
- 864 (70) a record made available to Adult Protective Services or a law enforcement agency
865 under Section 61-1-206;
- 866 (71) a record submitted to the Insurance Department in accordance with Section
867 31A-37-201;
- 868 (72) a record described in Section 31A-37-503;
- 869 (73) any record created by the Division of Professional Licensing as a result of
870 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 871 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
872 involving an amusement ride;
- 873 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
874 on a political petition, or on a request to withdraw a signature from a political petition,
875 including a petition or request described in the following titles:
- 876 (a) Title 10, Utah Municipal Code;
- 877 (b) Title 17, Counties;
- 878 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 879 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 880 (e) Title 20A, Election Code;
- 881 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
882 a voter registration record;
- 883 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
884 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
885 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 886 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
887 5, Victims Guidelines for Prosecutors Act;
- 888 (79) a record submitted to the Insurance Department under Section 31A-48-103;
- 889 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
890 prohibited under Section 63G-26-103;
- 891 (81) an image taken of an individual during the process of booking the individual into
892 jail, unless:
- 893 (a) the individual is convicted of a criminal offense based upon the conduct for which

894 the individual was incarcerated at the time the image was taken;

895 (b) a law enforcement agency releases or disseminates the image:

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

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

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

904 (82) a record:

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

906 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
907 representative from another state or the federal government as provided in Section
908 [63M-14-205](#); and

909 (c) the disclosure of which would:

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

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

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

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

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

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

924 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the

925 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
926 in Subsection (84)(a);

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

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

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

934 (86) any part of an application for a Utah Fits All Scholarship account described in
935 Section [53F-6-402](#) or other information identifying a scholarship student as defined in Section
936 [53F-6-401](#); [~~and~~]

937 (87) a record:

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

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

942 (c) the disclosure of which would:

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

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

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

949 (88) a record of the Utah water agent, appointed under Section [73-10g-602](#):

950 (a) concerning a claim to the use of waters;

951 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
952 representative from another state, a tribe, the federal government, or other government entity as
953 provided in Title 73, Chapter 10g, Part 6, Utah Water Agent; and

954 (c) the disclosure of which would:

955 (i) reveal a legal strategy relating to the state's claim to the use of the water;

956 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
957 regarding the use of water; or

958 (iii) give an advantage to another state, a tribe, the federal government, or other
959 government entity in negotiations regarding the use of water.

960 Section 5. Section **63G-6a-107.6** is amended to read:

961 **63G-6a-107.6. Exemptions from chapter.**

962 (1) Except for this Subsection (1), the provisions of this chapter do not apply to:

963 (a) a public entity's acquisition of a procurement item from another public entity; or

964 (b) a public entity that is not a procurement unit, including the Colorado River

965 Authority of Utah as provided in Section [63M-14-210](#).

966 (2) Unless otherwise provided by statute and except for this Subsection (2), the
967 provisions of this chapter do not apply to the acquisition or disposal of real property or an
968 interest in real property.

969 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the
970 provisions of this chapter do not apply to:

971 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
972 Act;

973 (b) a grant;

974 (c) medical supplies or medical equipment, including service agreements for medical
975 equipment, obtained by the University of Utah Hospital through a purchasing consortium if:

976 (i) the consortium uses a competitive procurement process; and

977 (ii) the chief administrative officer of the hospital makes a written finding that the
978 prices for purchasing medical supplies and medical equipment through the consortium are
979 competitive with market prices;

980 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
981 and State Lands, created in Section [65A-1-4](#), through the federal General Services

982 Administration or the National Fire Cache system;

983 (e) supplies purchased for resale to the public; ~~or~~

984 (f) activities related to the management of investments by a public entity granted
985 investment authority by law~~[-];~~ or

986 (g) activities of the Utah water agent appointed under Section [73-10g-602](#).

987 (4) This chapter does not supersede the requirements for retention or withholding of
988 construction proceeds and release of construction proceeds as provided in Section 13-8-5.

989 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a
990 procurement unit's hiring a mediator, arbitrator, or arbitration panel member to participate in
991 the procurement unit's dispute resolution efforts.

992 Section 6. Section 63I-1-273 is amended to read:

993 **63I-1-273. Repeal dates: Title 73.**

994 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
995 January 1, 2031.

996 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,
997 2028.

998 (3) Title 73, Chapter 10g, Part 6, Utah Water Agent, is repealed July 1, 2034.

999 [~~3~~] (4) Section 73-18-3.5, which authorizes the Division of Outdoor Recreation to
1000 appoint an advisory council that includes in the advisory council's duties advising on boating
1001 policies, is repealed July 1, 2024.

1002 [~~4~~] (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31,
1003 2030:

1004 (a) Subsection 73-1-4(2)(e)(xi) is repealed;

1005 (b) Subsection 73-10-4(1)(h) is repealed; and

1006 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

1007 [~~5~~] (6) Sections 73-32-302 and 73-32-303, related to the Great Salt Lake Advisory
1008 Council, are repealed July 1, 2027.

1009 Section 7. Section 67-22-2 is amended to read:

1010 **67-22-2. Compensation -- Other state officers.**

1011 (1) As used in this section:

1012 (a) "Appointed executive" means the:

1013 (i) commissioner of the Department of Agriculture and Food;

1014 (ii) commissioner of the Insurance Department;

1015 (iii) commissioner of the Labor Commission;

1016 (iv) director, Department of Alcoholic Beverage Services;

1017 (v) commissioner of the Department of Financial Institutions;

- 1018 (vi) executive director, Department of Commerce;
- 1019 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 1020 (viii) adjutant general;
- 1021 (ix) executive director, Department of Cultural and Community Engagement;
- 1022 (x) executive director, Department of Corrections;
- 1023 (xi) commissioner, Department of Public Safety;
- 1024 (xii) executive director, Department of Natural Resources;
- 1025 (xiii) executive director, Governor's Office of Planning and Budget;
- 1026 (xiv) executive director, Department of Government Operations;
- 1027 (xv) executive director, Department of Environmental Quality;
- 1028 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1029 (xvii) executive director, Department of Workforce Services;
- 1030 (xviii) executive director, Department of Health, Nonphysician;
- 1031 (xix) executive director, Department of Human Services;
- 1032 (xx) executive director, Department of Transportation;
- 1033 (xxi) executive director, Department of Veterans and Military Affairs;
- 1034 (xxii) executive director, Public Lands Policy Coordinating Office, created in Section
- 1035 [63L-11-201](#); [and]
- 1036 (xxiii) Great Salt Lake commissioner, appointed under Section [73-32-201](#)[-]; and
- 1037 (xxiv) Utah water agent, appointed under Section [73-10g-602](#).
- 1038 (b) "Board or commission executive" means:
- 1039 (i) members, Board of Pardons and Parole;
- 1040 (ii) chair, State Tax Commission;
- 1041 (iii) commissioners, State Tax Commission;
- 1042 (iv) executive director, State Tax Commission;
- 1043 (v) chair, Public Service Commission; and
- 1044 (vi) commissioners, Public Service Commission.
- 1045 (c) "Deputy" means the person who acts as the appointed executive's second in
- 1046 command as determined by the Division of Human Resource Management.
- 1047 (2) (a) The director of the Division of Human Resource Management shall:
- 1048 (i) before October 31 of each year, recommend to the governor a compensation plan for

1049 the appointed executives and the board or commission executives; and

1050 (ii) base those recommendations on market salary studies conducted by the Division of
1051 Human Resource Management.

1052 (b) (i) The Division of Human Resource Management shall determine the salary range
1053 for the appointed executives by:

1054 (A) identifying the salary range assigned to the appointed executive's deputy;

1055 (B) designating the lowest minimum salary from those deputies' salary ranges as the
1056 minimum salary for the appointed executives' salary range; and

1057 (C) designating 105% of the highest maximum salary range from those deputies' salary
1058 ranges as the maximum salary for the appointed executives' salary range.

1059 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
1060 may not consider that deputy's salary range in designating the salary range for appointed
1061 executives.

1062 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
1063 board or commission executives, the Division of Human Resource Management shall set the
1064 maximum salary in the salary range for each of those positions at 90% of the salary for district
1065 judges as established in the annual appropriation act under Section 67-8-2.

1066 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
1067 or (iii), the Division of Human Resource Management shall set the maximum salary in the
1068 salary range for each of those positions at 100% of the salary for district judges as established
1069 in the annual appropriation act under Section 67-8-2.

1070 (3) (a) (i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the governor
1071 shall establish a specific salary for each appointed executive within the range established under
1072 Subsection (2)(b).

1073 (ii) If the executive director of the Department of Health is a physician, the governor
1074 shall establish a salary within the highest physician salary range established by the Division of
1075 Human Resource Management.

1076 (iii) The governor may provide salary increases for appointed executives within the
1077 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

1078 (b) The governor shall apply the same overtime regulations applicable to other FLSA
1079 exempt positions.

1080 (c) The governor may develop standards and criteria for reviewing the appointed
1081 executives.

1082 (d) If under Section 73-10g-602 the governor appoints an individual who is serving in
1083 an appointed executive branch position to be the Utah water agent, the governor shall adjust the
1084 salary of the Utah water agent to account for salary received for the appointed executive branch
1085 position.

1086 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that
1087 are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
1088 Salary Act, shall be established as provided in Section 63A-17-301.

1089 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
1090 commission executives as follows:

1091 (i) the option of participating in a state retirement system established by Title 49, Utah
1092 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
1093 by the State Retirement Office in accordance with the Internal Revenue Code and its
1094 accompanying rules and regulations;

1095 (ii) health insurance;

1096 (iii) dental insurance;

1097 (iv) basic life insurance;

1098 (v) unemployment compensation;

1099 (vi) workers' compensation;

1100 (vii) required employer contribution to Social Security;

1101 (viii) long-term disability income insurance;

1102 (ix) the same additional state-paid life insurance available to other noncareer service
1103 employees;

1104 (x) the same severance pay available to other noncareer service employees;

1105 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
1106 follows:

1107 (A) sick leave;

1108 (B) converted sick leave if accrued prior to January 1, 2014;

1109 (C) educational allowances;

1110 (D) holidays; and

1111 (E) annual leave except that annual leave shall be accrued at the maximum rate
1112 provided to Schedule B state employees;

1113 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
1114 provided by law or rule upon resignation or retirement according to the same criteria and
1115 procedures applied to Schedule B state employees;

1116 (xiii) the option to purchase additional life insurance at group insurance rates according
1117 to the same criteria and procedures applied to Schedule B state employees; and

1118 (xiv) professional memberships if being a member of the professional organization is a
1119 requirement of the position.

1120 (b) Each department shall pay the cost of additional state-paid life insurance for its
1121 executive director from its existing budget.

1122 (6) The Legislature fixes the following additional benefits:

1123 (a) for the executive director of the State Tax Commission a vehicle for official and
1124 personal use;

1125 (b) for the executive director of the Department of Transportation a vehicle for official
1126 and personal use;

1127 (c) for the executive director of the Department of Natural Resources a vehicle for
1128 commute and official use;

1129 (d) for the commissioner of Public Safety:

1130 (i) an accidental death insurance policy if POST certified; and

1131 (ii) a public safety vehicle for official and personal use;

1132 (e) for the executive director of the Department of Corrections:

1133 (i) an accidental death insurance policy if POST certified; and

1134 (ii) a public safety vehicle for official and personal use;

1135 (f) for the adjutant general a vehicle for official and personal use; and

1136 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
1137 official use.

1138 Section 8. Section **73-10-3** is amended to read:

1139 **73-10-3. Organization of board .**

1140 [~~†~~] The board shall elect a chair and one or more vice-chairs who shall be members
1141 of the board, and shall establish the board's own rules of organization and procedure.

1142 ~~[(2) The board, with the approval of the executive director of the Department of~~
1143 ~~Natural Resources and the governor, shall designate a representative who may be one of the~~
1144 ~~board's members to represent the state in interstate conferences between the state and one or~~
1145 ~~more sister states held for the purpose of entering into compacts between such states for the~~
1146 ~~division of the waters of interstate rivers, lakes, or other sources of water supply, and to~~
1147 ~~represent the state upon commissions or other governing bodies provided for by any compacts~~
1148 ~~that have been or may hereafter be entered into between the state and one or more sister states.~~
1149 ~~A compact may not become binding upon the state until the compact is ratified and approved~~
1150 ~~by the Utah State Legislature and the legislatures of other states that are parties to the~~
1151 ~~compact.]~~

1152 ~~[(3) In acting as such representative of the state, the representative so acting shall act~~
1153 ~~under the supervision of the governor, through the executive director of the Department of~~
1154 ~~Natural Resources and of the Board of Water Resources. The director of the Division of~~
1155 ~~Finance shall fix the salary to be paid to the representative while the representative is acting in~~
1156 ~~this capacity.]~~

1157 ~~[(4) The designee of the Water Resource Board shall continue to represent the state as~~
1158 ~~outlined in Subsections (2) and (3) on waters in the state except for:]~~

1159 ~~[(a) the Colorado River system which is governed by Title 63M, Chapter 14, Colorado~~
1160 ~~River Authority of Utah Act, or]~~

1161 ~~[(b) state representation under:]~~

1162 ~~[(i) the Bear River Compact as provided in Section [73-16-4](#); or]~~

1163 ~~[(ii) the Columbia Interstate Compact as provided in Section [73-19-9](#).]~~

1164 Section 9. Section **73-10-4** is amended to read:

1165 **73-10-4. Powers and duties of board.**

1166 (1) The board shall have the following powers and duties to:

1167 (a) authorize studies, investigations, and plans for the full development, use, and
1168 promotion of the water and power resources of the state, including preliminary surveys, stream
1169 gauging, examinations, tests, and other estimates either separately or in consultation with
1170 federal, state and other agencies;

1171 (b) enter into contracts subject to the provisions of this chapter for the construction of
1172 conservation projects that in the opinion of the board will conserve and use for the best

1173 advantage of the people of this state the water and power resources of the state, including
1174 projects beyond the boundaries of the state of Utah located on interstate waters when the
1175 benefit of such projects accrues to the citizens of the state;

1176 (c) sue and be sued in accordance with applicable law;

1177 (d) [~~supervise in cooperation with the governor and the executive director of the~~
1178 ~~Department of Natural Resources;~~] cooperate with the Utah water agent, appointed under
1179 Section 73-10g-602, in matters affecting interstate compact negotiations and the administration
1180 of the compacts affecting the waters of interstate rivers, lakes and other sources of supply, with
1181 the exception of:

1182 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter
1183 14, Colorado River Authority of Utah Act; or

1184 (ii) state representation under:

1185 (A) the Bear River Compact as provided in Section 73-16-4; or

1186 (B) the Columbia Interstate Compact as provided in Section 73-19-9;

1187 (e) contract with federal and other agencies and with the National Water Resources
1188 Association and to make studies, investigations and recommendations and do all other things
1189 on behalf of the state for any purpose that relates to the development, conservation, protection
1190 and control of the water and power resources of the state;

1191 (f) consult and advise with the Utah Water Users' Association and other organized
1192 water users' associations in the state;

1193 (g) consider and make recommendations on behalf of the state of reclamation projects
1194 or other water development projects for construction by any agency of the state or United
1195 States and in so doing recommend the order in which projects shall be undertaken; or

1196 (h) review, approve, and revoke an application to create a water bank under Chapter
1197 31, Water Banking Act, collect an annual report, maintain the water banking website, and
1198 conduct any other function related to a water bank as described in Chapter 31, Water Banking
1199 Act.

1200 (2) Nothing contained in this section shall be construed to impair or otherwise interfere
1201 with the authority of the state engineer granted by this title, except as specifically otherwise
1202 provided in this section.

1203 Section 10. Section **73-10-18** is amended to read:

1204 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

1205 (1) There is created the Division of Water Resources, which shall be within the
1206 Department of Natural Resources under the administration and general supervision of the
1207 executive director of the Department of Natural Resources and under the policy direction of the
1208 Board of Water Resources.

1209 (2) Except for the waters of the Colorado River system that are governed by Title 63M,
1210 Chapter 14, Colorado River Authority of Utah Act, or state representation under the Bear River
1211 Compact or Columbia Interstate Compact, the Division of Water Resources shall:

1212 (a) be the water resource authority for the state; and

1213 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah
1214 water and power board except those which are delegated to the board by this act and is vested
1215 with such other functions, powers, duties, rights and responsibilities as provided in this act and
1216 other law.

1217 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section
1218 73-10g-602, has authority over out-of-state negotiations related to water importation in
1219 accordance with Chapter 10g, Part 6, Utah Water Agent, except when limited by Section
1220 73-10g-603.

1221 Section 11. Section **73-10g-104** is amended to read:

1222 **73-10g-104. Authorized use of the Water Infrastructure Restricted Account.**

1223 Money in the restricted account is to be used, subject to appropriation, for:

1224 (1) the development of the state's undeveloped share of the Bear and Colorado rivers,
1225 pursuant to existing interstate compacts governing both rivers as described in Chapter 26, Bear
1226 River Development Act, and Chapter 28, Lake Powell Pipeline Development Act;

1227 (2) repair, replacement, or improvement of federal water projects for local sponsors in
1228 the state when federal funds are not available;

1229 (3) study and development of rules, criteria, targets, processes, and plans, as described
1230 in Subsection 73-10g-105(3); [~~and~~]

1231 (4) a project that benefits the Colorado River drainage in Utah, including projects for
1232 water reuse, desalinization, building of dams, or water conservation, if a county or municipality
1233 that benefits from the project:

1234 (a) requires a new residential subdivision follow the regional conservation level of .59

- 1235 acre-feet regardless of whether the outside water is potable, reuse, or secondary water;
- 1236 (b) adopts and implements the local water conservancy district's emergency drought
- 1237 contingency plan;
- 1238 (c) adopts and implements the local water conservancy district's grass rebate program's
- 1239 maximum grass restrictions;
- 1240 (d) prohibits grass in new retail, industrial, or commercial facility landscaping;
- 1241 (e) has reuse water be managed by the local water conservancy district;
- 1242 (f) does not withdraw water from an aquifer in excess of the safe yield of the aquifer as
- 1243 defined in Section [73-5-15](#);
- 1244 (g) adopts and implements excess water use surcharges;
- 1245 (h) prohibits private water features in new development, such as a fountain, pond, or
- 1246 ski lake; and
- 1247 (i) prohibits large grassy areas in new development, unless the large grassy area is open
- 1248 to the general public[-]; and

1249 (5) a project recommended to the Legislature by the Water District Water Development
 1250 Council, created in Section [11-13-228](#), for generational water infrastructure, as defined in
 1251 Section [11-13-228](#).

1252 Section 12. Section **73-10g-601** is enacted to read:

Part 6. Utah Water Agent

73-10g-601. Definitions.

As used in this part:

1256 (1) "Council" means the Water District Water Development Council created pursuant
 1257 to Section [11-13-228](#).

1258 (2) "Division" means the Division of Water Resources.

1259 (3) "State or local entity" means:

1260 (a) a department, division, commission, agency, or other instrumentality of state
 1261 government; or

1262 (b) a political subdivision or the political subdivision's instrumentalities.

1263 (4) "Water agent" means the Utah water agent appointed by the governor under Section
 1264 [73-10g-602](#).

1265 Section 13. Section **73-10g-602** is enacted to read:

1266 **73-10g-602. Utah water agent.**

1267 (1) (a) The governor shall appoint, with the advice and consent of the Senate, a resident
1268 of this state to be the Utah water agent.

1269 (b) The governor shall consult with the speaker of the House of Representatives and
1270 the president of the Senate before appointing the water agent.

1271 (c) The water agent is a state employee.

1272 (d) The governor may appoint an individual who is serving in an executive branch
1273 appointed position to be the water agent, and the individual may serve in both positions, except
1274 that the governor shall adjust the salary of the water agent to account for salary received for the
1275 executive branch appointed position.

1276 (2) The water agent shall serve a term of six years and may be appointed to more than
1277 one term, but is subject to removal at the pleasure of the governor.

1278 (3) If there is a vacancy in the position of water agent for any reason, the governor shall
1279 appoint a replacement using the same procedure as Subsection (1), including the requirement
1280 of the advice and consent of the Senate.

1281 (4) Subject to Subsection (1)(d), the governor shall establish the water agent's
1282 compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State
1283 Officer Compensation.

1284 (5) (a) Upon appropriation by the Legislature, state money shall be used for the
1285 administration of this part, including paying the costs of:

1286 (i) subject to Subsection (4)(b), the water agent's administrative, office, and staff
1287 support; and

1288 (ii) reasonable travel expenses.

1289 (b) The water agent shall use office and staffing support provided under Subsection
1290 [11-13-228\(2\)\(e\)](#).

1291 Section 14. Section **73-10g-603** is enacted to read:

1292 **73-10g-603. Powers and duties of water agent.**

1293 (1) (a) Subject to Subsection (1)(b) and in consultation with the speaker of the House
1294 of Representatives, president of the Senate, and governor, the water agent shall explore and
1295 negotiate with officials of other states, tribes, and other government entities regarding possible
1296 water importation projects, including:

1297 (i) for the citizens of Utah, representing the state concerning waters of out-of-state
1298 rivers, lakes, and other sources of supply of waters except when representation is otherwise
1299 provided in statute;

1300 (ii) identifying potential out-of-state water resources;

1301 (iii) working with the council and division to match the water resources described in
1302 Subsection (1)(a)(ii) to needs identified by the council or division;

1303 (iv) establishing a strategy to designate what out-of-state water resources to pursue and
1304 how to execute that strategy;

1305 (v) negotiating directly with out-of-state partners to execute the strategy described in
1306 Subsection (1)(a)(iv);

1307 (vi) represent the state in interstate conferences between the state and one or more
1308 sister states held for the purpose of entering into compacts between such states for the division
1309 of the waters of interstate rivers, lakes, or other sources of water supply, and to represent the
1310 state upon commissions or other governing bodies provided for by any compacts that have been
1311 or may be entered into between the state and one or more sister states, except that a compact is
1312 not binding on the state until the compact is ratified and approved by the Legislature and the
1313 legislatures of other states that are parties to the compact;

1314 (vii) recommending to the Legislature and to the council actions that may assist in the
1315 development of, strategies for, and execution of water importation projects; and

1316 (viii) annually reporting findings and recommendations to:

1317 (A) the governor;

1318 (B) the president of the Senate;

1319 (C) the speaker of the House of Representatives;

1320 (D) the Legislative Water Development Commission created in Section [73-27-102](#);

1321 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and

1322 (F) the Board of Water Resources created in Section [73-10-1.5](#).

1323 (b) The water agent may not act under this section in relation to interests governed by
1324 interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado River
1325 Compacts and the 1980 Amended Bear River Compact.

1326 (2) The water agent shall consult and work with the council, state entities, the Colorado
1327 River Authority of Utah, and other bodies established by the state for interstate water

1328 negotiations.

1329 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management
1330 Act, upon request of the water agent, a state or local entity shall provide to the water agent a
1331 document, report, or information available within the state or local entity.

1332 (4) The water agent may negotiate with tribes in accordance with this section, except to
1333 the extent that the water at issue comes from the Colorado River.

1334 (5) This chapter may not be interpreted to override, substitute, or modify a water right
1335 within the state or the role and authority of the state engineer.

1336 Section 15. **FY 2025 Appropriation.**

1337 The following sums of money are appropriated for the fiscal year beginning July 1,
1338 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
1339 fiscal year 2025.

1340 Subsection 15(a). **Operating and Capital Budgets.**

1341 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
1342 Legislature appropriates the following sums of money from the funds or accounts indicated for
1343 the use and support of the government of the state of Utah.

1344 ITEM 1 To Governor's Office - Utah Water Agent

1345 From General Fund, One-time \$3,000,000

1346 From General Fund \$1,000,000

1347 Schedule of Programs:

1348 Utah Water Agent \$4,000,000

1349 The Legislature intends that the one-time appropriation in this bill of \$3,000,000 from the
1350 General Fund not lapse at the close of Fiscal Year 2025.

1351 Section 16. **Effective date.**

1352 This bill takes effect on May 1, 2024.