

AMENDMENTS TO ECONOMIC DEVELOPMENT

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill repeals provisions from Title 63M, Chapter 1, Governor's Office of Economic Development.

Highlighted Provisions:

This bill:

- ▶ repeals the Utah Pioneer Communities Program Act;
- ▶ repeals the Rural Broadband Service Account Act;
- ▶ repeals the Government Procurement Private Proposal Program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63F-1-205 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapter 347

63G-2-305, as last amended by Laws of Utah 2012, Chapters 331 and 377

63G-6a-303 (Effective 05/01/13), as renumbered and amended by Laws of Utah 2012, Chapter 347

63G-6a-304 (Effective 05/01/13), as renumbered and amended by Laws of Utah 2012,



28 Chapter 347

29 **63G-6a-305 (Effective 05/01/13)**, as renumbered and amended by Laws of Utah 2012,

30 Chapter 347

31 **63M-1-203**, as last amended by Laws of Utah 2008, Chapter 352 and renumbered and

32 amended by Laws of Utah 2008, Chapter 382

33 REPEALS:

34 **63G-6a-711 (Effective 05/01/13)**, as renumbered and amended by Laws of Utah 2012,

35 Chapter 347

36 **63M-1-1501**, as renumbered and amended by Laws of Utah 2008, Chapter 382

37 **63M-1-1502**, as last amended by Laws of Utah 2010, Chapter 218

38 **63M-1-1503**, as last amended by Laws of Utah 2012, Chapter 212

39 **63M-1-1504**, as renumbered and amended by Laws of Utah 2008, Chapter 382

40 **63M-1-1505**, as renumbered and amended by Laws of Utah 2008, Chapter 382

41 **63M-1-2301**, as last amended by Laws of Utah 2010, Chapter 278

42 **63M-1-2302**, as last amended by Laws of Utah 2010, Chapter 278

43 **63M-1-2303**, as last amended by Laws of Utah 2011, Chapter 303

44 **63M-1-2304**, as last amended by Laws of Utah 2010, Chapter 278

45 **63M-1-2306**, as renumbered and amended by Laws of Utah 2008, Chapter 382

46 **63M-1-2601**, as enacted by Laws of Utah 2008, Chapter 352

47 **63M-1-2602 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

48 **63M-1-2603 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

49 **63M-1-2604**, as enacted by Laws of Utah 2008, Chapter 352

50 **63M-1-2605 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

51 **63M-1-2606 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

52 **63M-1-2607 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

53 **63M-1-2608 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

54 **63M-1-2609**, as enacted by Laws of Utah 2008, Chapter 352

55 **63M-1-2610 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

56 **63M-1-2611**, as last amended by Laws of Utah 2010, Chapter 286

57 **63M-1-2612**, as last amended by Laws of Utah 2009, Chapter 183

58

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

60 Section 1. Section **63F-1-205 (Effective 05/01/13)** is amended to read:

61 **63F-1-205 (Effective 05/01/13). Approval of acquisitions of information**
62 **technology.**

63 (1) (a) [~~Except as provided in Title 63M, Chapter 1, Part 26, Government Procurement~~
64 ~~Private Proposal Program, in] In accordance with Subsection (2), the chief information officer
65 shall approve the acquisition by an executive branch agency of:~~

- 66 (i) information technology equipment;
- 67 (ii) telecommunications equipment;
- 68 (iii) software;
- 69 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
- 70 (v) data acquisition.

71 (b) The chief information officer may negotiate the purchase, lease, or rental of private
72 or public information technology or telecommunication services or facilities in accordance with
73 this section.

74 (c) Where practical, efficient, and economically beneficial, the chief information
75 officer shall use existing private and public information technology or telecommunication
76 resources.

77 (d) Notwithstanding another provision of this section, an acquisition authorized by this
78 section shall comply with rules made by the applicable rulemaking authority under Title 63G,
79 Chapter 6a, Utah Procurement Code.

80 (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount
81 that exceeds the value established by the chief information officer by rule in accordance with
82 Section 63F-1-206, the chief information officer shall:

83 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
84 services and the ability of the proposed information technology or telecommunications services
85 or supplies to meet those needs; and

86 (b) for purchases, leases, or rentals not covered by an existing statewide contract,
87 provide in writing to the chief procurement officer in the Division of Purchasing and General
88 Services that:

89 (i) the analysis required in Subsection (2)(a) was completed; and

90 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
91 services, products, or supplies is practical, efficient, and economically beneficial to the state
92 and the executive branch agency or subscriber of services.

93 (3) In approving an acquisition described in Subsections (1) and (2), the chief
94 information officer shall:

95 (a) establish by administrative rule, in accordance with Section 63F-1-206, standards
96 under which an agency must obtain approval from the chief information officer before
97 acquiring the items listed in Subsections (1) and (2);

98 (b) for those acquisitions requiring approval, determine whether the acquisition is in
99 compliance with:

100 (i) the executive branch strategic plan;

101 (ii) the applicable agency information technology plan;

102 (iii) the budget for the executive branch agency or department as adopted by the
103 Legislature; and

104 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

105 (c) in accordance with Section 63F-1-207, require coordination of acquisitions between
106 two or more executive branch agencies if it is in the best interests of the state.

107 (4) (a) Each executive branch agency shall provide the chief information officer with
108 complete access to all information technology records, documents, and reports:

109 (i) at the request of the chief information officer; and

110 (ii) related to the executive branch agency's acquisition of any item listed in Subsection
111 (1).

112 (b) Beginning July 1, 2006 and in accordance with administrative rules established by
113 the department under Section 63F-1-206, no new technology projects may be initiated by an
114 executive branch agency or the department unless the technology project is described in a
115 formal project plan and the business case analysis has been approved by the chief information
116 officer and agency head. The project plan and business case analysis required by this
117 Subsection (4) shall be in the form required by the chief information officer, and shall include:

118 (i) a statement of work to be done and existing work to be modified or displaced;

119 (ii) total cost of system development and conversion effort, including system analysis
120 and programming costs, establishment of master files, testing, documentation, special

121 equipment cost and all other costs, including overhead;
122 (iii) savings or added operating costs that will result after conversion;
123 (iv) other advantages or reasons that justify the work;
124 (v) source of funding of the work, including ongoing costs;
125 (vi) consistency with budget submissions and planning components of budgets; and
126 (vii) whether the work is within the scope of projects or initiatives envisioned when the
127 current fiscal year budget was approved.

128 (5) (a) The chief information officer and the Division of Purchasing and General
129 Services shall work cooperatively to establish procedures under which the chief information
130 officer shall monitor and approve acquisitions as provided in this section.

131 (b) The procedures established under this section shall include at least the written
132 certification required by Subsection 63G-6a-303(5).

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

134 **63G-2-305. Protected records.**

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

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

138 (2) commercial information or nonindividual financial information obtained from a
139 person if:

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

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

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

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

151 (4) records the disclosure of which could cause commercial injury to, or confer a

152 competitive advantage upon a potential or actual competitor of, a commercial project entity as
153 defined in Subsection 11-13-103(4);

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

156 (6) records the disclosure of which would impair governmental procurement
157 proceedings or give an unfair advantage to any person proposing to enter into a contract or
158 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
159 Subsection (6) does not restrict the right of a person to have access to, once the contract or
160 grant has been awarded, a bid, proposal, or application submitted to or by a governmental
161 entity in response to:

162 (a) a request for bids;

163 (b) a request for proposals;

164 (c) a grant; or

165 (d) other similar document;

166 (7) records that would identify real property or the appraisal or estimated value of real
167 or personal property, including intellectual property, under consideration for public acquisition
168 before any rights to the property are acquired unless:

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

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

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

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

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

181 (8) records prepared in contemplation of sale, exchange, lease, rental, or other
182 compensated transaction of real or personal property including intellectual property, which, if

183 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
184 of the subject property, unless:

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

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

191 (9) records created or maintained for civil, criminal, or administrative enforcement
192 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
193 release of the records:

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

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

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

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

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

207 (10) records the disclosure of which would jeopardize the life or safety of an
208 individual;

209 (11) records the disclosure of which would jeopardize the security of governmental
210 property, governmental programs, or governmental recordkeeping systems from damage, theft,
211 or other appropriation or use contrary to law or public policy;

212 (12) records that, if disclosed, would jeopardize the security or safety of a correctional
213 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere

214 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

215 (13) records that, if disclosed, would reveal recommendations made to the Board of
216 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
217 Board of Pardons and Parole, or the Department of Human Services that are based on the
218 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
219 jurisdiction;

220 (14) records and audit workpapers that identify audit, collection, and operational
221 procedures and methods used by the State Tax Commission, if disclosure would interfere with
222 audits or collections;

223 (15) records of a governmental audit agency relating to an ongoing or planned audit
224 until the final audit is released;

225 (16) records that are subject to the attorney client privilege;

226 (17) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
227 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
228 quasi-judicial, or administrative proceeding;

229 (18) (a) (i) personal files of a state legislator, including personal correspondence to or
230 from a member of the Legislature; and

231 (ii) notwithstanding Subsection (18)(a)(i), correspondence that gives notice of
232 legislative action or policy may not be classified as protected under this section; and

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

235 (A) members of a legislative body;

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

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

238 (ii) notwithstanding Subsection (18)(b)(i), a communication that gives notice of
239 legislative action or policy may not be classified as protected under this section;

240 (19) (a) records in the custody or control of the Office of Legislative Research and
241 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
242 legislation or contemplated course of action before the legislator has elected to support the
243 legislation or course of action, or made the legislation or course of action public; and

244 (b) notwithstanding Subsection (19)(a), the form to request legislation submitted to the

245 Office of Legislative Research and General Counsel is a public document unless a legislator
246 asks that the records requesting the legislation be maintained as protected records until such
247 time as the legislator elects to make the legislation or course of action public;

248 (20) research requests from legislators to the Office of Legislative Research and
249 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
250 in response to these requests;

251 (21) drafts, unless otherwise classified as public;

252 (22) records concerning a governmental entity's strategy about:

253 (a) collective bargaining; or

254 (b) imminent or pending litigation;

255 (23) records of investigations of loss occurrences and analyses of loss occurrences that
256 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
257 Uninsured Employers' Fund, or similar divisions in other governmental entities;

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

261 (25) records that reveal the location of historic, prehistoric, paleontological, or
262 biological resources that if known would jeopardize the security of those resources or of
263 valuable historic, scientific, educational, or cultural information;

264 (26) records of independent state agencies if the disclosure of the records would
265 conflict with the fiduciary obligations of the agency;

266 (27) records of an institution within the state system of higher education defined in
267 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
268 retention decisions, and promotions, which could be properly discussed in a meeting closed in
269 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
270 the final decisions about tenure, appointments, retention, promotions, or those students
271 admitted, may not be classified as protected under this section;

272 (28) records of the governor's office, including budget recommendations, legislative
273 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
274 policies or contemplated courses of action before the governor has implemented or rejected
275 those policies or courses of action or made them public;

276 (29) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
277 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
278 recommendations in these areas;

279 (30) records provided by the United States or by a government entity outside the state
280 that are given to the governmental entity with a requirement that they be managed as protected
281 records if the providing entity certifies that the record would not be subject to public disclosure
282 if retained by it;

283 (31) transcripts, minutes, or reports of the closed portion of a meeting of a public body
284 except as provided in Section 52-4-206;

285 (32) records that would reveal the contents of settlement negotiations but not including
286 final settlements or empirical data to the extent that they are not otherwise exempt from
287 disclosure;

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

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

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

299 (36) the name of a donor or a prospective donor to a governmental entity, including an
300 institution within the state system of higher education defined in Section 53B-1-102, and other
301 information concerning the donation that could reasonably be expected to reveal the identity of
302 the donor, provided that:

303 (a) the donor requests anonymity in writing;

304 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
305 classified protected by the governmental entity under this Subsection (36); and

306 (c) except for an institution within the state system of higher education defined in

307 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
308 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
309 over the donor, a member of the donor's immediate family, or any entity owned or controlled
310 by the donor or the donor's immediate family;

311 (37) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
312 73-18-13;

313 (38) a notification of workers' compensation insurance coverage described in Section
314 34A-2-205;

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

318 (i) unpublished lecture notes;

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

320 (A) relating to research; and

321 (B) of:

322 (I) the institution within the state system of higher education defined in Section
323 53B-1-102; or

324 (II) a sponsor of sponsored research;

325 (iii) unpublished manuscripts;

326 (iv) creative works in process;

327 (v) scholarly correspondence; and

328 (vi) confidential information contained in research proposals;

329 (b) Subsection (39)(a) may not be construed to prohibit disclosure of public
330 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

331 (c) Subsection (39)(a) may not be construed to affect the ownership of a record;

332 (40) (a) records in the custody or control of the Office of Legislative Auditor General
333 that would reveal the name of a particular legislator who requests a legislative audit prior to the
334 date that audit is completed and made public; and

335 (b) notwithstanding Subsection (40)(a), a request for a legislative audit submitted to the
336 Office of the Legislative Auditor General is a public document unless the legislator asks that
337 the records in the custody or control of the Office of Legislative Auditor General that would

338 reveal the name of a particular legislator who requests a legislative audit be maintained as
339 protected records until the audit is completed and made public;

340 (41) records that provide detail as to the location of an explosive, including a map or
341 other document that indicates the location of:

342 (a) a production facility; or

343 (b) a magazine;

344 (42) information:

345 (a) contained in the statewide database of the Division of Aging and Adult Services
346 created by Section 62A-3-311.1; or

347 (b) received or maintained in relation to the Identity Theft Reporting Information
348 System (IRIS) established under Section 67-5-22;

349 (43) information contained in the Management Information System and Licensing
350 Information System described in Title 62A, Chapter 4a, Child and Family Services;

351 (44) information regarding National Guard operations or activities in support of the
352 National Guard's federal mission;

353 (45) records provided by any pawn or secondhand business to a law enforcement
354 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
355 Secondhand Merchandise Transaction Information Act;

356 (46) information regarding food security, risk, and vulnerability assessments performed
357 by the Department of Agriculture and Food;

358 (47) except to the extent that the record is exempt from this chapter pursuant to Section
359 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
360 prepared or maintained by the Division of Emergency Management, and the disclosure of
361 which would jeopardize:

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

363 (b) the security of:

364 (i) governmental property;

365 (ii) governmental programs; or

366 (iii) the property of a private person who provides the Division of Emergency
367 Management information;

368 (48) records of the Department of Agriculture and Food that provides for the

369 identification, tracing, or control of livestock diseases, including any program established under
 370 Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Control of
 371 Animal Disease;

372 (49) as provided in Section 26-39-501:

373 (a) information or records held by the Department of Health related to a complaint
 374 regarding a child care program or residential child care which the department is unable to
 375 substantiate; and

376 (b) information or records related to a complaint received by the Department of Health
 377 from an anonymous complainant regarding a child care program or residential child care;

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

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

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

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

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

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

389 (a) conducted within the state system of higher education, as defined in Section
 390 53B-1-102; and

391 (b) conducted using animals;

392 ~~[(52) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement~~
 393 ~~Private Proposal Program, to the extent not made public by rules made under that chapter;]~~

394 ~~[(53)]~~ (52) in accordance with Section 78A-12-203, any record of the Judicial
 395 Performance Evaluation Commission concerning an individual commissioner's vote on
 396 whether or not to recommend that the voters retain a judge;

397 ~~[(54)]~~ (53) information collected and a report prepared by the Judicial Performance
 398 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
 399 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

400 the information or report;

401 [~~(55)~~] (54) records contained in the Management Information System created in

402 Section 62A-4a-1003;

403 [~~(56)~~] (55) records provided or received by the Public Lands Policy Coordinating

404 Office in furtherance of any contract or other agreement made in accordance with Section

405 63J-4-603;

406 [~~(57)~~] (56) information requested by and provided to the Utah State 911 Committee

407 under Section 53-10-602;

408 [~~(58)~~] (57) recorded Children's Justice Center investigative interviews, both video and

409 audio, the release of which are governed by Section 77-37-4;

410 [~~(59)~~] (58) in accordance with Section 73-10-33:

411 (a) a management plan for a water conveyance facility in the possession of the Division

412 of Water Resources or the Board of Water Resources; or

413 (b) an outline of an emergency response plan in possession of the state or a county or

414 municipality;

415 [~~(60)~~] (59) the following records in the custody or control of the Office of Inspector

416 General of Medicaid Services, created in Section 63J-4a-201:

417 (a) records that would disclose information relating to allegations of personal

418 misconduct, gross mismanagement, or illegal activity of a person if the information or

419 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services

420 through other documents or evidence, and the records relating to the allegation are not relied

421 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

422 report or final audit report;

423 (b) records and audit workpapers to the extent they would disclose the identity of a

424 person who, during the course of an investigation or audit, communicated the existence of any

425 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or

426 regulation adopted under the laws of this state, a political subdivision of the state, or any

427 recognized entity of the United States, if the information was disclosed on the condition that

428 the identity of the person be protected;

429 (c) before the time that an investigation or audit is completed and the final

430 investigation or final audit report is released, records or drafts circulated to a person who is not

431 an employee or head of a governmental entity for the person's response or information;

432 (d) records that would disclose an outline or part of any investigation, audit survey

433 plan, or audit program; or

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

435 investigation or audit;

436 [(61)] (60) records that reveal methods used by the Office of Inspector General of

437 Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud,

438 waste, or abuse;

439 [(62)] (61) information provided to the Department of Health or the Division of

440 Occupational and Professional Licensing under Subsection 58-68-304(3) or (4); and

441 [(63)] (62) a record described in Section 63G-12-210.

442 Section 3. Section **63G-6a-303 (Effective 05/01/13)** is amended to read:

443 **63G-6a-303 (Effective 05/01/13). Duties of chief procurement officer.**

444 Except as otherwise specifically provided in this chapter, the chief procurement officer

445 serves as the central procurement officer of the state and shall:

446 (1) adopt office policies governing the internal functions of the division;

447 (2) procure or supervise each procurement over which the chief procurement officer

448 has authority;

449 (3) establish and maintain programs for the inspection, testing, and acceptance of each

450 procurement item over which the chief procurement officer has authority;

451 (4) prepare statistical data concerning each procurement and procurement usage of a

452 state procurement unit;

453 (5) ensure that:

454 (a) before approving a procurement not covered by an existing statewide contract for

455 information technology or telecommunications supplies or services, the chief information

456 officer and the agency have stated in writing to the division that the needs analysis required in

457 Section 63F-1-205 was completed[, unless the procurement is approved in accordance with

458 Title 63M, Chapter 1, Part 26, Government Procurement Private Proposal Program]; and

459 (b) the oversight authority required by Subsection(5)(a) is not delegated outside the

460 division; and

461 (6) provide training to public procurement units and to persons who do business with

462 public procurement units.

463 Section 4. Section **63G-6a-304 (Effective 05/01/13)** is amended to read:

464 **63G-6a-304 (Effective 05/01/13). Delegation of authority.**

465 [(1)] In accordance with rules made by the board, the chief procurement officer may
466 delegate authority to designees or to any department, agency, or official.

467 [~~(2) For a procurement under Title 63M, Chapter 1, Part 26, Government Procurement
468 Private Proposal Program, any delegation by the chief procurement officer under this section
469 shall be made to the Governor's Office of Economic Development.~~]

470 Section 5. Section **63G-6a-305 (Effective 05/01/13)** is amended to read:

471 **63G-6a-305 (Effective 05/01/13). Duty of chief procurement officer in
472 maintaining specifications.**

473 (1) The chief procurement officer may prepare, issue, revise, maintain, and monitor the
474 use of specifications for each procurement over which the chief procurement officer has
475 authority.

476 (2) The chief procurement officer shall obtain expert advice and assistance from
477 personnel of public procurement units in the development of specifications and may delegate in
478 writing to a public procurement unit the authority to prepare and utilize its own specifications.

479 [~~(3) For a procurement under Title 63M, Chapter 1, Part 26, Government Procurement
480 Private Proposal Program, any delegation by the chief procurement officer under this section
481 shall be made to the Governor's Office of Economic Development.~~]

482 Section 6. Section **63M-1-203** is amended to read:

483 **63M-1-203. Powers and duties of director.**

484 (1) The director, with the approval of the governor, may:

485 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
486 Funds Procedures, seek federal grants, loans, or participation in federal programs;

487 (b) enter into lawful contracts or agreements with other states, any chamber of
488 commerce organization, or any service club~~[-and a private entity pursuant to Section
489 63M-1-2610]; and~~

490 (c) annually prepare and submit to the governor a budget of the office's financial
491 requirements.

492 (2) If any federal program requires the expenditure of state funds as a condition to

493 participation by the state in any fund, property, or service, with the governor's approval, the
494 director shall expend whatever funds are necessary out of the money provided by the
495 Legislature for the use of the office.

496 Section 7. **Repealer.**

497 This bill repeals:

498 Section **63G-6a-711 (Effective 05/01/13), Procurement for submitted proposal.**

499 Section **63M-1-1501, Title.**

500 Section **63M-1-1502, Definitions.**

501 Section **63M-1-1503, Advisory board.**

502 Section **63M-1-1504, Advisory board duties.**

503 Section **63M-1-1505, Criteria for participation -- Report.**

504 Section **63M-1-2301, Title.**

505 Section **63M-1-2302, Definitions.**

506 Section **63M-1-2303, Rural Broadband Service Account created -- Interest -- Costs.**

507 Section **63M-1-2304, Grants for rural broadband deployment.**

508 Section **63M-1-2306, Rules.**

509 Section **63M-1-2601, Title.**

510 Section **63M-1-2602 (Effective 05/01/13), Definitions.**

511 Section **63M-1-2603 (Effective 05/01/13), Government Procurement Private
512 Proposal Program -- Proposals -- Rulemaking.**

513 Section **63M-1-2604, Committee for reviewing proposals -- Appointment --
514 Accepting or rejecting proposal.**

515 Section **63M-1-2605 (Effective 05/01/13), Initial proposal -- Requirements.**

516 Section **63M-1-2606 (Effective 05/01/13), Review of initial proposal -- Affected
517 department review.**

518 Section **63M-1-2607 (Effective 05/01/13), Acceptance of initial proposal --
519 Obtaining detailed proposals.**

520 Section **63M-1-2608 (Effective 05/01/13), Detailed proposal -- Requirements --
521 Cooperation of affected department.**

522 Section **63M-1-2609, Receipt of detailed proposals -- Economic feasibility report --
523 Acceptance of a detailed proposal.**

524 Section **63M-1-2610 (Effective 05/01/13), Project agreement.**

525 Section **63M-1-2611, Advisory committee.**

526 Section **63M-1-2612, Private Proposal Restricted Special Revenue Fund -- Fees.**

Legislative Review Note
as of **2-18-13 12:28 PM**

Office of Legislative Research and General Counsel