

HB0473S02 compared with HB0473S01

~~{Omitted text}~~ shows text that was in HB0473S01 but was omitted in HB0473S02
inserted text shows text that was not in HB0473S01 but was inserted into HB0473S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Colorado River Authority Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Scott H. Chew
Senate Sponsor:



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the Colorado River Authority of Utah.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ moves the Colorado River Authority of Utah (authority) from the governor's office to the Department of Natural Resources, including providing a transition;
- 10 ▶ modifies the definition provision;
- 11 ▶ amends the membership provision of the authority including modifying the appointment process;
- 13 ▶ addresses the operation of the authority;
- 14 ▶ expands the powers and duties of the authority;
- 15 ▶ modifies the appointment of the river commissioner;
- 16 ▶ repeals provision prohibiting the river commissioner from receiving compensation;
- 17 ▶ amends provision on hiring of the authority's executive director;
- 18 ▶ ~~{addresses use of money in-}~~ repeals the Colorado River Authority Restricted Account; and
- 19 ▶ makes technical and conforming amendments.

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20 Money Appropriated in this Bill:

21 ▸ **This bill appropriates \$1,638,500 in operating and capital budgets for fiscal year 2027,**
22 **all**
23 **of which is from the General Fund.**

23 ▸ **This bill appropriates (\$1,638,500) in restricted fund and account transfers for fiscal**
24 **year 2027,**
25 **all of which is from the General Fund.**

25 Other Special Clauses:

26 This bill provides a special effective date.

27 Utah Code Sections Affected:

28 AMENDS:

29 **63G-2-305 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special Session,
30 Chapter 17

31 **63G-6a-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special Session,
32 Chapter 9

33 **63G-6a-107.6 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 151, 318 and
34 481

35 **63J-1-602.2 (Effective 07/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah
36 2025, First Special Session, Chapter 17

37 **73-3-30 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapters 34, 253

38 **73-10-4 (Effective 07/01/26) (Partially Repealed 12/31/30)**, as last amended by Laws of Utah
39 2025, Chapter 119

40 **73-10-18 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 93

41 **73-10-32 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapters 238, 435

42 **79-2-201 (Effective 07/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah
43 2025, Chapter 93

44 ENACTS:

45 **73-34-103 (Effective 07/01/26)**, Utah Code Annotated 1953

46 RENUMBERS AND AMENDS:

47 **73-34-101 (Effective 07/01/26)**, (Renumbered from 63M-14-102, as enacted by Laws of Utah
48 2021, Chapter 179)

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- 49 **73-34-102 (Effective 07/01/26)**, (Renumbered from 63M-14-103, as enacted by Laws of Utah
2021, Chapter 179)
- 51 **73-34-201 (Effective 07/01/26)**, (Renumbered from 63M-14-201, as enacted by Laws of Utah
2021, Chapter 179)
- 53 **73-34-202 (Effective 07/01/26)**, (Renumbered from 63M-14-202, as last amended by Laws of
Utah 2024, Chapter 443)
- 55 **73-34-203 (Effective 07/01/26)**, (Renumbered from 63M-14-203, as last amended by Laws of
Utah 2022, Chapter 98)
- 57 **73-34-204 (Effective 07/01/26)**, (Renumbered from 63M-14-204, as enacted by Laws of Utah
2021, Chapter 179)
- 59 **73-34-205 (Effective 07/01/26)**, (Renumbered from 63M-14-205, as last amended by Laws of
Utah 2024, Chapter 135)
- 61 **73-34-206 (Effective 07/01/26)**, (Renumbered from 63M-14-207, as enacted by Laws of Utah
2021, Chapter 179)
- 63 **73-34-207 (Effective 07/01/26)**, (Renumbered from 63M-14-208, as enacted by Laws of Utah
2021, Chapter 179)
- 65 **73-34-208 (Effective 07/01/26)**, (Renumbered from 63M-14-209, as last amended by Laws of
Utah 2022, Chapter 98)
- 67 **73-34-209 (Effective 07/01/26)**, (Renumbered from 63M-14-210, as last amended by Laws of
Utah 2022, Chapter 98)
- 69 **73-34-301 (Effective 07/01/26)**, (Renumbered from 63M-14-301, as enacted by Laws of Utah
2021, Chapter 179 and further amended by Revisor Instructions, Laws of Utah 2021, Chapter 179)
- 72 **73-34-302 (Effective 07/01/26)**, (Renumbered from 63M-14-302, as enacted by Laws of Utah
2021, Chapter 179)
- 74 **73-34-303 (Effective 07/01/26)**, (Renumbered from 63M-14-304, as enacted by Laws of Utah
2021, Chapter 179)
- 76 **73-34-304 (Effective 07/01/26)**, (Renumbered from 63M-14-305, as enacted by Laws of Utah
2021, Chapter 179)
- 78 **73-34-305 (Effective 07/01/26)**, (Renumbered from 63M-14-306, as enacted by Laws of Utah
2021, Chapter 179)

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73-34-401 (Effective 07/01/26), (Renumbered from 63M-14-401, as enacted by Laws of Utah 2021, Chapter 179)

82 73-34-402 (Effective 07/01/26), (Renumbered from 63M-14-402, as enacted by Laws of Utah 2021, Chapter 179)

84 73-34-501 (Effective 07/01/26), (Renumbered from 63M-14-502, as enacted by Laws of Utah 2021, Chapter 179)

81 ~~{73-34-501 (Effective 07/01/26), (Renumbered from 63M-14-501, as enacted by Laws of Utah 2021, Chapter 179)}~~

86 REPEALS:

87 63M-14-101 (Effective 07/01/26), as enacted by Laws of Utah 2021, Chapter 179

88 63M-14-303 (Effective 07/01/26), as enacted by Laws of Utah 2021, Chapter 179

89 **63M-14-501 (Effective 07/01/26), as enacted by Laws of Utah 2021, Chapter 179**

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

92 Section 1. Section **63G-2-305** is amended to read:

93 **63G-2-305. Protected records.**

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

- 93 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;
- 95 (2) commercial information or nonindividual financial information obtained from a person if:
- 97 (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
- 100 (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
- 102 (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;
- 104 (3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

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- 108 (4) records, the disclosure of which could cause commercial injury to, or confer a competitive
advantage upon a potential or actual competitor of, a commercial project entity as defined in
Subsection 11-13-103(4);
- 111 (5) test questions and answers to be used in future license, certification, registration, employment, or
academic examinations;
- 113 (6) records, the disclosure of which would impair governmental procurement proceedings or give an
unfair advantage to any person proposing to enter into a contract or agreement with a governmental
entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right
of a person to have access to, after the contract or grant has been awarded and signed by all parties:
- 118 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in
response to:
- 120 (i) an invitation for bids;
- 121 (ii) a request for proposals;
- 122 (iii) a request for quotes;
- 123 (iv) a grant; or
- 124 (v) other similar document; or
- 125 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 126 (7) information submitted to or by a governmental entity in response to a request for information,
except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a
person to have access to the information, after:
- 129 (a) a contract directly relating to the subject of the request for information has been awarded and signed
by all parties; or
- 131 (b)
- (i) a final determination is made not to enter into a contract that relates to the subject of the request for
information; and
- 133 (ii) at least two years have passed after the day on which the request for information is issued;
- 135 (8) records that would identify real property or the appraisal or estimated value of real or personal
property, including intellectual property, under consideration for public acquisition before any rights
to the property are acquired unless:
- 138 (a) public interest in obtaining access to the information is greater than or equal to the governmental
entity's need to acquire the property on the best terms possible;

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- 140 (b) the information has already been disclosed to persons not employed by or under a duty of
confidentiality to the entity;
- 142 (c) in the case of records that would identify property, potential sellers of the described property have
already learned of the governmental entity's plans to acquire the property;
- 145 (d) in the case of records that would identify the appraisal or estimated value of property, the potential
sellers have already learned of the governmental entity's estimated value of the property; or
- 148 (e) the property under consideration for public acquisition is a single family residence and the
governmental entity seeking to acquire the property has initiated negotiations to acquire the property
as required under Section 78B-6-505;
- 151 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction
of real or personal property including intellectual property, which, if disclosed [~~prior to~~] before
completion of the transaction, would reveal the appraisal or estimated value of the subject property,
unless:
- 155 (a) the public interest in access is greater than or equal to the interests in restricting access, including the
governmental entity's interest in maximizing the financial benefit of the transaction; or
- 158 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of
the subject property have already been disclosed to persons not employed by or under a duty of
confidentiality to the entity;
- 161 (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit
purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
- 164 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline,
licensing, certification, or registration purposes;
- 166 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- 168 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- 170 (d) reasonably could be expected to disclose the identity of a source who is not generally known outside
of government and, in the case of a record compiled in the course of an investigation, disclose
information furnished by a source not generally known outside of government if disclosure would
compromise the source; or
- 174 (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or
orders not generally known outside of government if disclosure would interfere with enforcement or
audit efforts;

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- 177 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 178 (12) records the disclosure of which would jeopardize the security of governmental property,
governmental programs, or governmental recordkeeping systems from damage, theft, or other
appropriation or use contrary to law or public policy;
- 181 (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or
records relating to incarceration, treatment, probation, or parole, that would interfere with the
control and supervision of an offender's incarceration, treatment, probation, or parole;
- 185 (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and
Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons
and Parole, or the Department of Health and Human Services that are based on the employee's or
contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- 190 (15) records and audit workpapers that identify audit, collection, and operational procedures and
methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- 193 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit
is released;
- 195 (17) records that are subject to the attorney client privilege;
- 196 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or
agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or
administrative proceeding;
- 199 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the
Legislature; and
- 201 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or
policy may not be classified as protected under this section; and
- 204 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation
of legislation between:
- 206 (A) members of a legislative body;
- 207 (B) a member of a legislative body and a member of the legislative body's staff; or
- 208 (C) members of a legislative body's staff; and

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- 209 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or
policy may not be classified as protected under this section;
- 211 (20)
- (a) records in the custody or control of the Office of Legislative Research and General Counsel, that,
if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course
of action before the legislator has elected to support the legislation or course of action, or made the
legislation or course of action public; and
- 216 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of
Legislative Research and General Counsel is a public document unless a legislator asks that the
records requesting the legislation be maintained as protected records until such time as the legislator
elects to make the legislation or course of action public;
- 221 (21) a research request from a legislator to a legislative staff member and research findings prepared in
response to the request;
- 223 (22) drafts, unless otherwise classified as public;
- 224 (23) records concerning a governmental entity's strategy about:
- 225 (a) collective bargaining; or
- 226 (b) imminent or pending litigation;
- 227 (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered
by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund,
or similar divisions in other governmental entities;
- 230 (25) records, other than personnel evaluations, that contain a personal recommendation concerning
an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or
disclosure is not in the public interest;
- 233 (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources
that if known would jeopardize the security of those resources or of valuable historic, scientific,
educational, or cultural information;
- 236 (27) records of independent state agencies if the disclosure of the records would conflict with the
fiduciary obligations of the agency;
- 238 (28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure
evaluations, appointments, applications for admissions, retention decisions, and promotions, which
could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open

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and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

- 244 (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;
- 248 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- 251 (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- 255 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- 257 (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- 260 (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- 263 (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- 268 (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- 271 (37) the name of a donor or a prospective donor to a governmental entity, including an institution of higher education defined in Section 53H-1-101, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

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- 275 (a) the donor requests anonymity in writing;
- 276 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified
protected by the governmental entity under this Subsection (37); and
- 278 (c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit
to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors,
and has no regulatory or legislative authority over the donor, a member of the donor's immediate
family, or any entity owned or controlled by the donor or the donor's immediate family;
- 283 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 284 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- 286 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education
defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by
or on behalf of faculty, staff, employees, or students of the institution:
- 290 (a) unpublished lecture notes;
- 291 (b) unpublished notes, data, and information:
- 292 (i) relating to research; and
- 293 (ii) of:
- 294 (A) the institution of higher education defined in Section 53H-1-101; or
- 295 (B) a sponsor of sponsored research;
- 296 (c) unpublished manuscripts;
- 297 (d) creative works in process;
- 298 (e) scholarly correspondence; [~~and~~]
- 299 (f) confidential information contained in research proposals;
- 300 (g) this Subsection (40) may not be construed to prohibit disclosure of public information required
[~~pursuant to~~] in accordance with Subsection 53H-14-202(2)(a) or (b); and
- 303 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 304 (41)
- (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal
the name of a particular legislator who requests a legislative audit prior to the date that audit is
completed and made public; and
- 307 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the
Legislative Auditor General is a public document unless the legislator asks that the records in the

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custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

- 313 (42) records that provide detail as to the location of an explosive, including a map or other document
that indicates the location of:
- 315 (a) a production facility; or
- 316 (b) a magazine;
- 317 (43) information contained in the statewide database of the Division of Aging and Adult Services
created by Section 26B-6-210;
- 319 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child
Welfare Services;
- 321 (45) information regarding National Guard operations or activities in support of the National Guard's
federal mission;
- 323 (46) records provided by any pawn or secondhand business to a law enforcement agency or to the
central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise,
and Catalytic Converter Transaction Information Act;
- 326 (47) information regarding food security, risk, and vulnerability assessments performed by the
Department of Agriculture and Food;
- 328 (48) except to the extent that the record is exempt from this chapter [~~pursuant to~~] in accordance with
Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to
or prepared or maintained by the Division of Emergency Management, and the disclosure of which
would jeopardize:
- 332 (a) the safety of the general public; or
- 333 (b) the security of:
- 334 (i) governmental property;
- 335 (ii) governmental programs; or
- 336 (iii) the property of a private person who provides the Division of Emergency Management
information;
- 338 (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or
control of livestock diseases, including any program established under Title 4, Chapter 24, Utah
Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

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- 342 (50) as provided in Section 26B-2-709:
- 343 (a) information or records held by the Department of Health and Human Services related to a complaint
regarding a provider, program, or facility which the department is unable to substantiate; and
- 346 (b) information or records related to a complaint received by the Department of Health and Human
Services from an anonymous complainant regarding a provider, program, or facility;
- 349 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under
Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone
number, if:
- 352 (a) the individual is required to provide the information in order to comply with a law, ordinance, rule,
or order of a government entity; and
- 354 (b) the subject of the record has a reasonable expectation that this information will be kept confidential
due to:
- 356 (i) the nature of the law, ordinance, rule, or order; and
- 357 (ii) the individual complying with the law, ordinance, rule, or order;
- 358 (52) the portion of the following documents that contains a candidate's residential or mailing address,
if the candidate provides to the filing officer another address or phone number where the candidate
may be contacted:
- 361 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section
20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502,
or 20A-9-601;
- 364 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 365 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 366 (53) the name, home address, work addresses, and telephone numbers of an individual that is engaged
in, or that provides goods or services for, medical or scientific research that is:
- 368 (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- 370 (b) conducted using animals;
- 371 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation
Commission concerning an individual commissioner's vote, in relation to whether a judge meets
or exceeds minimum performance standards under Subsection 78A-12-203(4), and information
disclosed under Subsection 78A-12-203(5)(e);

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- 379 (55) information collected and a report prepared by the Judicial Performance Evaluation Commission
concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance
Evaluation Commission Act, requires disclosure of, or makes public, the information or report;
- 382 (56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any
383 contract or other agreement made in accordance with Section 63L-11-202;
- 384 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 385 (58) in accordance with Section 73-10-33:
- 386 (a) a management plan for a water conveyance facility in the possession of the Division of Water
Resources or the Board of Water Resources; or
- 387 (b) an outline of an emergency response plan in possession of the state or a county or municipality;
- 388 (59) the following records in the custody or control of the Office of Inspector General of Medicaid
Services, created in Section 63A-13-201:
- 390 (a) records that would disclose information relating to allegations of personal misconduct, gross
mismanagement, or illegal activity of a person if the information or allegation cannot be
corroborated by the Office of Inspector General of Medicaid Services through other documents or
evidence, and the records relating to the allegation are not relied upon by the Office of Inspector
General of Medicaid Services in preparing a final investigation report or final audit report;
- 396 (b) records and audit workpapers to the extent they would disclose the identity of a person who, during
the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste,
or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws
of this state, a political subdivision of the state, or any recognized entity of the United States, if the
information was disclosed on the condition that the identity of the person be protected;
- 403 (c) before the time that an investigation or audit is completed and the final investigation or final audit
report is released, records or drafts circulated to a person who is not an employee or head of a
governmental entity for the person's response or information;
- 406 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit
program; or
- 408 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or
audit;
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- (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health and Human Services, to discover Medicaid fraud, waste, or abuse;
- 413 (61) information provided to the Department of Health and Human Services or the Division of
Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and
(4);
- 416 (62) a record described in Section 63G-12-210;
- 417 (63) captured plate data that is obtained through an automatic license plate reader system used by a
governmental entity as authorized in Section 41-6a-2003;
- 419 (64) an audio or video recording created by a body-worn camera, as that term is defined in Section
77-7a-103, that records sound or images inside a hospital or health care facility as those terms are
defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in
Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101,
except for recordings that:
- 424 (a) depict the commission of an alleged crime;
- 425 (b) record any encounter between a law enforcement officer and a person that results in death or bodily
injury, or includes an instance when an officer fires a weapon;
- 427 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law
enforcement officer or law enforcement agency;
- 429 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 431 (e) have been requested for reclassification as a public record by a subject or authorized agent of a
subject featured in the recording;
- 433 (65) a record pertaining to the search process for a president of an institution of higher education
described in Section 53H-3-302;
- 435 (66) an audio recording that is:
- 436 (a) produced by an audio recording device that is used in conjunction with a device or piece of
equipment designed or intended for resuscitating an individual or for treating an individual with a
life-threatening condition;
- 439 (b) produced during an emergency event when an individual employed to provide law enforcement, fire
protection, paramedic, emergency medical, or other first responder service:
- 442 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and

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- 444 (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for
treating an individual with a life-threatening condition; and
- 446 (c) intended and used for purposes of training emergency responders how to improve their response to
an emergency situation;
- 448 (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the
Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit
Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- 452 (68) work papers as defined in Section 31A-2-204;
- 453 (69) a record made available to Adult Protective Services or a law enforcement agency under Section
61-1-206;
- 455 (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 457 (71) a record described in Section 31A-37-503;
- 458 (72) any record created by the Division of Professional Licensing as a result of Subsection
58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 460 (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an
amusement ride;
- 462 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political
petition, or on a request to withdraw a signature from a political petition, including a petition or
request described in the following titles:
- 465 (a) Title 10, Utah Municipal Code;
- 466 (b) Title 17, Counties;
- 467 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 468 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 469 (e) Title 20A, Election Code;
- 470 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter
registration record;
- 472 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described
in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision
collected or held under, or in relation to, Title 20A, Election Code;
- 475 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims
Guidelines for Prosecutors Act;

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- 477 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 478 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited
under Section 63G-26-103;
- 480 (80) an image taken of an individual during the process of booking the individual into jail, unless:
- 482 (a) the individual is convicted of a criminal offense based upon the conduct for which the individual
was incarcerated at the time the image was taken;
- 484 (b) a law enforcement agency releases or disseminates the image:
- 485 (i) after determining that the individual is a fugitive or an imminent threat to an individual or to
public safety and releasing or disseminating the image will assist in apprehending the individual or
reducing or eliminating the threat; or
- 488 (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal
investigation or criminal proceeding for the purpose of identifying or locating an individual in
connection with the criminal investigation or criminal proceeding;
- 492 (c) a judge orders the release or dissemination of the image based on a finding that the release or
dissemination is in furtherance of a legitimate law enforcement interest; or
- 494 (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;
- 496 (81) a record:
- 497 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 498 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative
from another state or the federal government as provided in Section [~~63M-14-205~~] 73-34-205; and
- 501 (c) the disclosure of which would:
- 502 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River
system;
- 504 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best
terms and conditions regarding the use of water in the Colorado River system; or
- 507 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of
water in the Colorado River system;
- 509 (82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic
Opportunity determines is nonpublic, confidential information that if disclosed would result in
actual economic harm to the applicant, but this Subsection (82) may not be used to restrict access to
a record evidencing a final contract or approval decision;

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- 514 (83) the following records of a drinking water or wastewater facility:
- 515 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 517 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or
wastewater facility uses to secure, or prohibit access to, the records described in Subsection (83)(a);
- 520 (84) a statement that an employee of a governmental entity provides to the governmental entity as part
of the governmental entity's personnel or administrative investigation into potential misconduct
involving the employee if the governmental entity:
- 523 (a) requires the statement under threat of employment disciplinary action, including possible
termination of employment, for the employee's refusal to provide the statement; and
- 526 (b) provides the employee assurance that the statement cannot be used against the employee in any
criminal proceeding;
- 528 (85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402
or other information identifying a scholarship student as defined in Section 53F-6-401;
- 531 (86) a record:
- 532 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 533 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning
the claim, including a representative from another state or the federal government; and
- 536 (c) the disclosure of which would:
- 537 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
- 539 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions
regarding the use of water in the Great Salt Lake; or
- 541 (iii) give an advantage to another person including another state or to the federal government in
negotiations regarding the use of water in the Great Salt Lake;
- 543 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified
as public as described in Subsection [~~13-2-11(4)~~] 13-2-11(3);
- 545 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 546 (a) concerning a claim to the use of waters;
- 547 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative
from another state, a tribe, the federal government, or other government entity as provided in Title
73, Chapter 10g, Part 7, Utah Water Agent; and
- 551 (c) the disclosure of which would:

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- 552 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 553 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use
of water; or
- 555 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in
negotiations regarding the use of water; and
- 557 (89) a record created or maintained for an investigation of the Prosecutor Conduct Commission, created
in Section 63M-7-1102, that contains any personal identifying information of a prosecuting attorney,
including:
- 560 (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor
Conduct Commission; or
- 562 (b) a finding by the Prosecutor Conduct Commission.
- 565 Section 2. Section **63G-6a-103** is amended to read:
- 566 **63G-6a-103. Definitions.**
- As used in this chapter:
- 566 (1) "Approved vendor" means a person who has been approved for inclusion on an approved vendor list
through the approved vendor list process.
- 568 (2) "Approved vendor list" means a list of approved vendors established under Section 63G-6a-507.
- 570 (3) "Approved vendor list process" means the procurement process described in Section 63G-6a-507.
- 572 (4)
- (a) "Award" means, in relation to a contract, a procurement unit's selection of a vendor to supply a
procurement item after the procurement unit engages in:
- 574 (i) a standard procurement process; or
- 575 (ii) an exception to a standard procurement process under Part 8, Exceptions to Procurement
Requirements.
- 577 (b) "Award" does not mean, in relation to a contract, a procurement unit's offer or acceptance of any
terms or conditions related to the procurement unit's acquisition or receipt of the procurement item.
- 580 (5) "Bidder" means a person who submits a bid or price quote in response to an invitation for bids.
- 582 (6) "Bidding process" means the procurement process described in Part 6, Bidding.
- 583 (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- 584

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- (8) "Change directive" means a written order signed by the procurement officer that directs the contractor to suspend work or make changes, as authorized by contract, without the consent of the contractor.
- 587 (9) "Change order" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.
- 590 (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- 591 (11) "Conducting procurement unit" means a procurement unit that conducts all aspects of a procurement:
- 593 (a) except:
- 594 (i) reviewing a solicitation to verify that it is in proper form; and
- 595 (ii) causing the publication of a notice of a solicitation; and
- 596 (b) including:
- 597 (i) preparing any solicitation document;
- 598 (ii) appointing an evaluation committee;
- 599 (iii) conducting the evaluation process, except the process relating to scores calculated for costs of proposals;
- 601 (iv) selecting and recommending the person to be awarded a contract;
- 602 (v) negotiating the terms and conditions of a contract, subject to the issuing procurement unit's approval; and
- 604 (vi) contract administration.
- 605 (12) "Conservation district" means the same as that term is defined in Section 17D-3-102.
- 606 (13) "Construction project":
- 607 (a) means a project for the construction, renovation, alteration, improvement, or repair of a public facility on real property, including all services, labor, supplies, and materials for the project; and
- 610 (b) does not include services and supplies for the routine, day-to-day operation, repair, or maintenance of an existing public facility.
- 612 (14) "Construction manager/general contractor":
- 613 (a) means a contractor who enters into a contract:
- 614 (i) for the management of a construction project; and
- 615

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- (ii) that allows the contractor to subcontract for additional labor and materials that are not included in the contractor's cost proposal submitted at the time of the procurement of the contractor's services; and
- 618 (b) does not include a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of the contractor's services is to meet subcontracted portions of change orders approved within the scope of the project.
- 622 (15) "Construction subcontractor":
- 623 (a) means a person under contract with a contractor or another subcontractor to provide services or labor for the design or construction of a construction project;
- 625 (b) includes a general contractor or specialty contractor licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 627 (c) does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor for a construction project.
- 629 (16) "Contract" means an agreement for a procurement.
- 630 (17) "Contract administration" means all functions, duties, and responsibilities associated with managing, overseeing, and carrying out a contract between a procurement unit and a contractor, including:
 - 633 (a) implementing the contract;
 - 634 (b) ensuring compliance with the contract terms and conditions by the conducting procurement unit and the contractor;
 - 636 (c) executing change orders;
 - 637 (d) processing contract amendments;
 - 638 (e) resolving, to the extent practicable, contract disputes;
 - 639 (f) curing contract errors and deficiencies;
 - 640 (g) terminating a contract;
 - 641 (h) measuring or evaluating completed work and contractor performance;
 - 642 (i) computing payments under the contract; and
 - 643 (j) closing out a contract.
- 644 (18) "Contractor" means a person who is awarded a contract with a procurement unit.
- 645 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:
 - 646 (a) more than one procurement unit; or

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- 647 (b) a procurement unit and a cooperative purchasing organization.
- 648 (20) "Cooperative purchasing organization" means an organization, association, or alliance of
purchasers established to combine purchasing power in order to obtain the best value for the
purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 651 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor is paid a
percentage of the total actual expenses or costs in addition to the contractor's actual expenses or
costs.
- 654 (22) "Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs
which are allowed and allocated in accordance with the contract terms and the provisions of this
chapter, and a fee, if any.
- 657 (23) "Days" means calendar days, unless expressly provided otherwise.
- 658 (24) "Definite quantity contract" means a fixed price contract that provides for a specified amount of
supplies over a specified period, with deliveries scheduled according to a specified schedule.
- 661 (25) "Design professional" means:
- 662 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects Licensing Act;
- 664 (b) an individual licensed as a professional engineer or professional land surveyor under Title 58,
Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- 667 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing Act, to engage in
the practice of landscape architecture, as defined in Section 58-53-102; or
- 670 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86, State
Certification of Commercial Interior Designers Act.
- 672 (26) "Design professional procurement process" means the procurement process described in Part 15,
Design Professional Services.
- 674 (27) "Design professional services" means:
- 675 (a) professional services within the scope of the practice of architecture as defined in Section
58-3a-102;
- 677 (b) professional engineering as defined in Section 58-22-102;
- 678 (c) master planning and programming services;
- 679 (d) professional services within the scope of the practice of landscape architecture, as defined in Section
58-53-102; or

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- (e) services within the scope of the practice of commercial interior design, as defined in Section 58-86-102.
- 683 (28) "Design-build" means the procurement of design professional services and construction by the use
of a single contract.
- 685 (29) "Division" means the Division of Purchasing and General Services, created in Section 63A-2-101.
- 687 (30) "Educational procurement unit" means:
- 688 (a) a school district;
- 689 (b) a public school, including a local school board or a charter school;
- 690 (c) the Utah Schools for the Deaf and the Blind;
- 691 (d) the Utah Education and Telehealth Network;
- 692 (e) an institution of higher education of the state described in Section 53H-1-102; or
- 693 (f) the State Board of Education.
- 694 (31) "Established catalogue price" means the price included in a catalogue, price list, schedule, or other
form that:
- 696 (a) is regularly maintained by a manufacturer or contractor;
- 697 (b) is published or otherwise available for inspection by customers; and
- 698 (c) states prices at which sales are currently or were last made to a significant number of any category
of buyers or buyers constituting the general buying public for the supplies or services involved.
- 701 (32)
- (a) "Executive branch procurement unit" means a department, division, office, bureau, agency, or other
organization within the state executive branch.
- 703 (b) "Executive branch procurement unit" does not include the Colorado River Authority of Utah as
provided in Section [~~63M-14-210~~] 73-34-209.
- 705 (33) "Facilities division" means the Division of Facilities Construction and Management, created in
Section 63A-5b-301.
- 707 (34) "Fixed price contract" means a contract that provides a price, for each procurement item obtained
under the contract, that is not subject to adjustment except to the extent that:
- 710 (a) the contract provides, under circumstances specified in the contract, for an adjustment in price that is
not based on cost to the contractor; or
- 712 (b) an adjustment is required by law.
- 713

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- (35) "Fixed price contract with price adjustment" means a fixed price contract that provides for an upward or downward revision of price, precisely described in the contract, that:
- 715 (a) is based on the consumer price index or another commercially acceptable index, source, or formula;
and
- 717 (b) is not based on a percentage of the cost to the contractor.
- 718 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement to expend public funds or other assistance, for a public purpose authorized by law, without acquiring a procurement item in exchange.
- 721 (37) "Human services procurement item" means a procurement item used to provide services or support to a child, youth, adult, or family.
- 723 (38) "Immaterial error":
- 724 (a) means an irregularity or abnormality that is:
- 725 (i) a matter of form that does not affect substance; or
- 726 (ii) an inconsequential variation from a requirement of a solicitation that has no, little, or a trivial effect on the procurement process and that is not prejudicial to other vendors; and
- 729 (b) includes:
- 730 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a professional license, bond, or insurance certificate;
- 732 (ii) a typographical error;
- 733 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 734 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 736 (39) "Indefinite quantity contract" means a fixed price contract that:
- 737 (a) is for an indefinite amount of procurement items to be supplied as ordered by a procurement unit;
and
- 739 (b)
- (i) does not require a minimum purchase amount; or
- 740 (ii) provides a maximum purchase limit.
- 741 (40) "Independent procurement unit" means:
- 742 (a)
- (i) a legislative procurement unit;
- 743 (ii) a judicial branch procurement unit;

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- 744 (iii) an educational procurement unit;
- 745 (iv) a local governmental procurement unit;
- 746 (v) a conservation district;
- 747 (vi) a local building authority;
- 748 (vii) a special district;
- 749 (viii) a public corporation;
- 750 (ix) a special service district; or
- 751 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 752 (b) the facilities division, but only to the extent of the procurement authority provided under Title 63A,
Chapter 5b, Administration of State Facilities;
- 754 (c) the attorney general, but only to the extent of the procurement authority provided under Title 67,
Chapter 5, Attorney General;
- 756 (d) the Department of Transportation, but only to the extent of the procurement authority provided
under Title 72, Transportation Code;
- 758 (e) the Department of Health and Human Services, but only for the procurement of a human services
procurement item; or
- 760 (f) any other executive branch department, division, office, or entity that has statutory procurement
authority outside this chapter, but only to the extent of that statutory procurement authority.
- 763 (41)
- (a) "Interlocal entity" means a separate political subdivision created under Title 11, Chapter 13,
Interlocal Cooperation Act.
- 765 (b) "Interlocal entity" does not include a project entity.
- 766 (42) "Invitation for bids":
- 767 (a) means a document used to solicit:
- 768 (i) bids to provide a procurement item to a procurement unit; or
- 769 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 770 (b) includes all documents attached to or incorporated by reference in a document described in
Subsection (42)(a).
- 772 (43) "Issuing procurement unit" means a procurement unit that:
- 773 (a) reviews a solicitation to verify that ~~it~~ the solicitation is in proper form;
- 774 (b) causes the notice of a solicitation to be published; and

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- 775 (c) negotiates and approves the terms and conditions of a contract.
- 776 (44) "Judicial procurement unit" means:
- 777 (a) the Utah Supreme Court;
- 778 (b) the Utah Court of Appeals;
- 779 (c) the Judicial Council;
- 780 (d) a state judicial district; or
- 781 (e) an office, committee, subcommittee, or other organization within the state judicial branch.
- 783 (45) "Labor hour contract" is a contract under which:
- 784 (a) the supplies and materials are not provided by, or through, the contractor; and
- 785 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit for a specified number of labor hours or days.
- 787 (46) "Legislative procurement unit" means:
- 788 (a) the Legislature;
- 789 (b) the Senate;
- 790 (c) the House of Representatives;
- 791 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 792 (e) a committee, subcommittee, commission, or other organization:
- 793 (i) within the state legislative branch; or
- 794 (ii)
- (A) that is created by statute to advise or make recommendations to the Legislature;
- 796 (B) the membership of which includes legislators; and
- 797 (C) for which the Office of Legislative Research and General Counsel provides staff support.
- 799 (47) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 800 (48) "Local government procurement unit" means:
- 801 (a) a county, municipality, interlocal entity, or project entity, and each office of the county, municipality, interlocal entity, or project entity, unless:
- 803 (i) the county or municipality adopts a procurement code by ordinance;
- 804 (ii) the interlocal entity adopts procurement rules or policies as provided in Subsection 11-13-226(2); or
- 806 (iii) the project entity adopts a procurement code through the process described in Section 11-13-316;
- 808 (b)

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- (i) a county or municipality that has adopted this entire chapter by ordinance, and each office or agency of that county or municipality; and
- 810 (ii) a project entity that has adopted this entire chapter through the process described in Subsection 11-13-316; or
- 812 (c) a county, municipality, or project entity, and each office of the county, municipality, or project entity that has adopted a portion of this chapter to the extent that:
- 814 (i) a term in the ordinance is used in the adopted chapter; or
- 815 (ii) a term in the ordinance is used in the language a project entity adopts in its procurement code through the process described in Section 11-13-316.
- 817 (49) "Multiple award contracts" means the award of a contract for an indefinite quantity of a procurement item to more than one person.
- 819 (50) "Multiyear contract" means a contract that extends beyond a one-year period, including a contract that permits renewal of the contract, without competition, beyond the first year of the contract.
- 822 (51) "Municipality" means a city or town.
- 823 (52) "Nonadopting local government procurement unit" means:
- 824 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19, General Provisions Related to Protest or Appeal; and
- 827 (b) each office or agency of a county or municipality described in Subsection (52)(a).
- 828 (53) "Offeror" means a person who submits a proposal in response to a request for proposals.
- 830 (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference under the requirements of this chapter.
- 832 (55) "Procure" means to acquire a procurement item through a procurement.
- 833 (56) "Procurement" means the acquisition of a procurement item through an expenditure of public funds, or an agreement to expend public funds, including an acquisition through a public-private partnership.
- 836 (57) "Procurement item" means an item of personal property, a technology, a service, or a construction project.
- 838 (58) "Procurement official" means:
- 839 (a) for a procurement unit other than an independent procurement unit, the chief procurement officer;
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- (b) for a legislative procurement unit, the individual, individuals, or body designated in a policy adopted by the Legislative Management Committee;
- 843 (c) for a judicial procurement unit, the Judicial Council or an individual or body designated by the Judicial Council by rule;
- 845 (d) for a local government procurement unit:
- 846 (i) the legislative body of the local government procurement unit; or
- 847 (ii) an individual or body designated by the local government procurement unit;
- 848 (e) for a special district, the board of trustees of the special district or the board of trustees' designee;
- 850 (f) for a special service district, the governing body of the special service district or the governing body's designee;
- 852 (g) for a local building authority, the board of directors of the local building authority or the board of directors' designee;
- 854 (h) for a conservation district, the board of supervisors of the conservation district or the board of supervisors' designee;
- 856 (i) for a public corporation, the board of directors of the public corporation or the board of directors' designee;
- 858 (j) for a school district or any school or entity within a school district, the board of the school district or the board's designee;
- 860 (k) for a charter school, the individual or body with executive authority over the charter school or the designee of the individual or body;
- 862 (l) for an institution of higher education described in Section 53H-1-102, the president of the institution of higher education or the president's designee;
- 864 (m) for the State Board of Education, the State Board of Education or the State Board of Education's designee;
- 866 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or the designee of the Commissioner of Higher Education;
- 868 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the executive director of the Utah Communications Authority or the executive director's designee; or
- 871 (p)
- (i) for the facilities division, and only to the extent of procurement activities of the facilities division as an independent procurement unit under the procurement authority provided under Title 63A,

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Chapter 5b, Administration of State Facilities, the director of the facilities division or the director's designee;

- 875 (ii) for the attorney general, and only to the extent of procurement activities of the attorney general as
an independent procurement unit under the procurement authority provided under Title 67, Chapter
5, Attorney General, the attorney general or the attorney general's designee;
- 879 (iii) for the Department of Transportation created in Section 72-1-201, and only to the extent of
procurement activities of the Department of Transportation as an independent procurement unit
under the procurement authority provided under Title 72, Transportation Code, the executive
director of the Department of Transportation or the executive director's designee;
- 884 (iv) for the Department of Health and Human Services, and only to the extent of the procurement
activities of the Department of Health and Human Services as an independent procurement unit,
the executive director of the Department of Health and Human Services or the executive director's
designee; or
- 888 (v) for any other executive branch department, division, office, or entity that has statutory procurement
authority outside this chapter, and only to the extent of the procurement activities of the department,
division, office, or entity as an independent procurement unit under the procurement authority
provided outside this chapter for the department, division, office, or entity, the chief executive
officer of the department, division, office, or entity or the chief executive officer's designee.
- 895 (59) "Procurement unit" means:
- 896 (a) a legislative procurement unit;
- 897 (b) an executive branch procurement unit;
- 898 (c) a judicial procurement unit;
- 899 (d) an educational procurement unit;
- 900 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 901 (f) a local government procurement unit;
- 902 (g) a special district;
- 903 (h) a special service district;
- 904 (i) a local building authority;
- 905 (j) a conservation district; or
- 906 (k) a public corporation.
- 907

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(60) "Professional service" means labor, effort, or work that requires specialized knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- 909 (a) accounting;
- 910 (b) administrative law judge service;
- 911 (c) architecture;
- 912 (d) construction design and management;
- 913 (e) engineering;
- 914 (f) financial services;
- 915 (g) information technology;
- 916 (h) the law;
- 917 (i) medicine;
- 918 (j) psychiatry; or
- 919 (k) underwriting.

920 (61) "Project entity" means the same as that term is defined in Section 11-13-103.

921 (62) "Protest officer" means:

922 (a) for the division or an independent procurement unit:

- 923 (i) the procurement official;
- 924 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 926 (iii) a person designated by rule made by the rulemaking authority; or

927 (b) for a procurement unit other than an independent procurement unit, the chief procurement officer or the chief procurement officer's designee who is an employee of the division .

930 (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.

931 (64) "Public entity" means the state or any other governmental entity within the state that expends public funds.

933 (65) "Public facility" means a building, structure, infrastructure, improvement, or other facility of a public entity.

935 (66) "Public funds" means money, regardless of its source, including from the federal government, that is owned or held by a procurement unit.

937 (67) "Public transit district" means a public transit district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act.

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(68) "Public-private partnership" means an arrangement or agreement, occurring on or after January 1, 2017, between a procurement unit and one or more contractors to provide for a public need through the development or operation of a project in which the contractor or contractors share with the procurement unit the responsibility or risk of developing, owning, maintaining, financing, or operating the project.

944 (69) "Qualified vendor" means a vendor who:

945 (a) is responsible; and

946 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that meets the minimum mandatory requirements, evaluation criteria, and any applicable score thresholds set forth in the request for statement of qualifications.

949 (70) "Real property" means land and any building, fixture, improvement, appurtenance, structure, or other development that is permanently affixed to land.

951 (71) "Request for information" means a nonbinding process through which a procurement unit requests information relating to a procurement item.

953 (72) "Request for proposals" means a document used to solicit proposals to provide a procurement item to a procurement unit, including all other documents that are attached to that document or incorporated in that document by reference.

956 (73) "Request for proposals process" means the procurement process described in Part 7, Request for Proposals.

958 (74) "Request for statement of qualifications" means a document used to solicit information about the qualifications of a person interested in responding to a potential procurement, including all other documents attached to that document or incorporated in that document by reference.

962 (75) "Requirements contract" means a contract:

963 (a) under which a contractor agrees to provide a procurement unit's entire requirements for certain procurement items at prices specified in the contract during the contract period; and

966 (b) that:

967 (i) does not require a minimum purchase amount; or

968 (ii) provides a maximum purchase limit.

969 (76) "Responsible" means being capable, in all respects, of:

970 (a) meeting all the requirements of a solicitation; and

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(b) fully performing all the requirements of the contract resulting from the solicitation, including being financially solvent with sufficient financial resources to perform the contract.

974 (77) "Responsive" means conforming in all material respects to the requirements of a solicitation.

976 (78) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions that govern the applicable procurement unit.

979 (79) "Rulemaking authority" means:

980 (a) for a legislative procurement unit, the Legislative Management Committee;

981 (b) for a judicial procurement unit, the Judicial Council;

982 (c)

(i) only to the extent of the procurement authority expressly granted to the procurement unit by statute:

984 (A) for the facilities division, the facilities division;

985 (B) for the Office of the Attorney General, the attorney general;

986 (C) for the Department of Transportation created in Section 72-1-201, the executive director of the Department of Transportation;

988 (D) for the Department of Health and Human Services, the executive director of the Department of Health and Human Services; and

990 (E) for any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, the governing authority of the department, division, office, or entity; and

993 (ii) for each other executive branch procurement unit, the board;

994 (d) for a local government procurement unit:

995 (i) the governing body of the local government unit; or

996 (ii) an individual or body designated by the local government procurement unit;

997 (e) for a school district or a public school, the board, except to the extent of a school district's own nonadministrative rules that do not conflict with the provisions of this chapter;

1000 (f) for an institution of higher education, the Utah Board of Higher Education;

1001 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the State Board of Education;

1003 (h) for a public transit district, the chief executive of the public transit district;

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- (i) for a special district other than a public transit district or for a special service district, the board, except to the extent that the board of trustees of the special district or the governing body of the special service district makes [its] the special service district's own rules:
- 1008 (i) with respect to a subject addressed by board rules; or
1009 (ii) that are in addition to board rules;
- 1010 (j) for the Utah Educational Savings Plan, created in Section 53H-10-202, the Utah Board of Higher Education;
- 1012 (k) for the School and Institutional Trust Lands Administration, created in Section 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 1014 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the School and Institutional Trust Fund Board of Trustees;
- 1016 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the Utah Communications Authority board, created in Section 63H-7a-203; or
- 1018 (n) for any other procurement unit, the board.
- 1019 (80) "Service":
- 1020 (a) means labor, effort, or work to produce a result that is beneficial to a procurement unit;
- 1022 (b) includes a professional service; and
- 1023 (c) does not include labor, effort, or work provided under an employment agreement or a collective bargaining agreement.
- 1025 (81) "Small purchase process" means the procurement process described in Section 63G-6a-506.
- 1027 (82) "Sole source contract" means a contract resulting from a sole source procurement.
- 1028 (83) "Sole source procurement" means a procurement without competition [~~pursuant to~~] in accordance with a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the procurement item.
- 1031 (84) "Solicitation" means an invitation for bids, request for proposals, or request for statement of qualifications.
- 1033 (85) "Solicitation response" means:
- 1034 (a) a bid submitted in response to an invitation for bids;
- 1035 (b) a proposal submitted in response to a request for proposals; or
- 1036 (c) a statement of qualifications submitted in response to a request for statement of qualifications.
- 1038 (86) "Special district" means the same as that term is defined in Section 17B-1-102.

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- 1039 (87) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 1040 (88) "Specification" means any description of the physical or functional characteristics or of the nature
of a procurement item included in an invitation for bids or a request for proposals, or otherwise
specified or agreed to by a procurement unit, including a description of:
- 1044 (a) a requirement for inspecting or testing a procurement item; or
- 1045 (b) preparing a procurement item for delivery.
- 1046 (89) "Standard procurement process" means:
- 1047 (a) the bidding process;
- 1048 (b) the request for proposals process;
- 1049 (c) the approved vendor list process;
- 1050 (d) the small purchase process; or
- 1051 (e) the design professional procurement process.
- 1052 (90) "State cooperative contract" means a contract awarded by the division for and in behalf of all
public entities.
- 1054 (91) "Statement of qualifications" means a written statement submitted to a procurement unit in
response to a request for statement of qualifications.
- 1056 (92) "Subcontractor":
- 1057 (a) means a person under contract to perform part of a contractual obligation under the control of the
contractor, whether the person's contract is with the contractor directly or with another person who
is under contract to perform part of a contractual obligation under the control of the contractor; and
- 1061 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to a contractor.
- 1063 (93) "Technology" means the same as "information technology," as defined in Section 63A-16-102.
- 1065 (94) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in price.
- 1067 (95) "Time and materials contract" means a contract under which the contractor is paid:
- 1068 (a) the actual cost of direct labor at specified hourly rates;
- 1069 (b) the actual cost of materials and equipment usage; and
- 1070 (c) an additional amount, expressly described in the contract, to cover overhead and profit, that is not
based on a percentage of the cost to the contractor.
- 1072 (96) "Transitional costs":
- 1073 (a) means the costs of changing:
- 1074 (i) from an existing provider of a procurement item to another provider of that procurement item; or

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- 1076 (ii) from an existing type of procurement item to another type;
- 1077 (b) includes:
- 1078 (i) training costs;
- 1079 (ii) conversion costs;
- 1080 (iii) compatibility costs;
- 1081 (iv) costs associated with system downtime;
- 1082 (v) disruption of service costs;
- 1083 (vi) staff time necessary to implement the change;
- 1084 (vii) installation costs; and
- 1085 (viii) ancillary software, hardware, equipment, or construction costs; and
- 1086 (c) does not include:
- 1087 (i) the costs of preparing for or engaging in a procurement process; or
- 1088 (ii) contract negotiation or drafting costs.
- 1089 (97) "Vendor":
- 1090 (a) means a person who is seeking to enter into a contract with a procurement unit to provide a
procurement item; and
- 1092 (b) includes:
- 1093 (i) a bidder;
- 1094 (ii) an offeror;
- 1095 (iii) an approved vendor;
- 1096 (iv) a design professional; and
- 1097 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.
- 1100 Section 3. Section **63G-6a-107.6** is amended to read:
- 1101 **63G-6a-107.6. Exemptions from chapter.**
- 1100 (1) Except for this Subsection (1), this chapter does not apply to:
- 1101 (a) a public entity's acquisition of a procurement item from another public entity;
- 1102 (b) a public entity that is not a procurement unit, including the Colorado River Authority of Utah as
provided in Section [~~63M-14-210~~] 73-34-209; or
- 1104 (c) the retention of experts by:
- 1105 (i) the Public Service Commission under Subsection 54-1-6(1)(a)(iii);
- 1106 (ii) the Division of Public Utilities under Subsection 54-4a-3(2)(b); and

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- 1107 (iii) the Office of Consumer Services under Title 54, Chapter 10a, Office of Consumer Services Act.
- 1109 (2) Unless otherwise provided by statute and except for this Subsection (2), this chapter does not apply to the acquisition or disposal of real property or an interest in real property, including the acquisition or lease of water or water rights for the Great Salt Lake.
- 1113 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, this chapter does not apply to:
- 1115 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art Act;
- 1117 (b) a grant;
- 1118 (c) medical supplies or medical equipment, including service agreements for medical equipment, obtained by the University of Utah Hospital or the Department of Health and Human Services through a purchasing consortium if:
- 1121 (i) the consortium uses a competitive procurement process; and
- 1122 (ii) the chief administrative officer of the hospital or the executive director of the Department of Health and Human Services, as the case may be, makes a written finding that the prices for purchasing medical supplies and medical equipment through the consortium are competitive with market prices;
- 1126 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire, and State Lands, created in Section 65A-1-4, through the federal General Services Administration or the National Fire Cache system;
- 1129 (e) supplies purchased for resale to the public;
- 1130 (f) activities related to the management of investments by a public entity granted investment authority by law; [or]
- 1132 (g) activities of the Utah water agent appointed under Section 73-10g-702; or
- 1133 (h) transit vehicles procured by the Department of Transportation through a purchasing consortium, cooperative purchasing agreement, or an interagency agreement if:
- 1135 (i) the contracting party for the acquisition of the transit vehicle from the vendor is:
- 1136 (A) a public entity;
- 1137 (B) another state government; or
- 1138 (C) a public transit district in another state;
- 1139 (ii) the transit vehicle is intended to be used for, or in connection with, a public transit service within the state; and
- 1141 (iii) the procurement of the transit vehicle is in the best interest of the state.

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- 1142 (4) This chapter does not supersede the requirements for retention or withholding of construction
proceeds and release of construction proceeds as provided in Section 13-8-5.
- 1144 (5) Except for this Subsection (5), this chapter does not apply to a procurement unit's hiring a mediator,
arbitrator, or arbitration panel member to participate in the procurement unit's dispute resolution
efforts.
- 1149 Section 4. Section **63J-1-602.2** is amended to read:
- 1150 **63J-1-602.2. List of nonlapsing appropriations to programs.**
Appropriations made to the following programs are nonlapsing:
- 1151 (1) The Legislature and the Legislature's committees.
- 1152 (2) The State Board of Education, including all appropriations to agencies, line items, and programs
under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.
- 1155 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 1156 (4) The Percent-for-Art Program created in Section 9-6-404.
- 1157 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in Title 4, Chapter 46, Part
3, LeRay McAllister Working Farm and Ranch Fund.
- 1159 (6) The Utah Lake Authority created in Section 11-65-201.
- 1160 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection
17-66-303(2)(d)(ii).
- 1162 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 1163 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection 26B-3-108(7).
- 1165 (10) The primary care grant program created in Section 26B-4-310.
- 1166 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 1167 (12) The Utah Health Care Workforce Financial Assistance Program created in Section 26B-4-702.
- 1169 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 1170 (14) The Utah Medical Education Council for the:
- 1171 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
- 1172 (b) provision of medical residency grants described in Section 26B-4-711; and
- 1173 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 1174 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 1175 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program created in
Section 26B-7-122.

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- 1177 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with Subsection 32B-2-301(8)(a) or (b).
- 1179 (18) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.
- 1181 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 1182 (20) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.
- 1184 (21) The Emergency Medical Services Grant Program, as provided in Section 53-2d-207.
- 1185 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1186 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53H-5-402.
- 1188 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection 53G-10-608(3).
- 1190 (25) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.
- 1192 (26) The Division of Technology Services for technology innovation as provided under Section 63A-16-903.
- 1194 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 1195 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 1196 (29) The Colorado River Authority of Utah, created in [~~Title 63M, Chapter 14, Colorado River Authority of Utah Act~~] Title 73, Chapter 34, Colorado River Authority of Utah Act.
- 1198 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1200 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 1203 (32) County correctional facility contracting program for state inmates as described in Section 64-13e-103.
- 1205 (33) County correctional facility reimbursement program for state probationary inmates and state parole inmates as described in Section 64-13e-104.
- 1207 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 1208 (35) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.
- 1210

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- (36) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.
- 1212 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 1213 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.
- 1216 (39) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.
- 1218 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 1219 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 1220 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 1221 (43) Adoption document access as provided in Sections 81-13-103, 81-13-504, and 81-13-505.
- 1223 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.
- 1225 (45) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.
- 1229 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with Section 59-2-1802.5.
- 1231 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
- 1234 Section 5. Section **73-3-30** is amended to read:
- 1235 **73-3-30. Change application for an instream flow -- Change application for delivery to a reservoir.**
- 1235 (1) As used in this section:
- 1236 (a) "Colorado River System" means the same as that term is defined in Sections 73-12a-2 and 73-13-10.
- 1238 (b) "Division" means the Division of Wildlife Resources created in Section 23A-2-201, the Division of State Parks created in Section 79-4-201, or the Division of Forestry, Fire, and State Lands created in Section 65A-1-4.
- 1241 (c) "Person entitled to the use of water" means the same as that term is defined in Section 73-3-3.
- 1243 (d) "Sovereign lands" means the same as that term is defined in Section 65A-1-1.
- 1244 (e) "Wildlife" means species of animals, including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, that are protected or regulated by a statute, law, regulation, ordinance, or administrative rule.

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- 1247 (2)
- (a) [~~Pursuant to~~] In accordance with Section 73-3-3, a division may file a permanent change application, a fixed time change application, or a temporary change application, or a person entitled to the use of water may file a fixed time change application or a temporary change application, to provide water within the state for:
- 1251 (i) an instream flow within a specified section of a natural or altered stream; or
- 1252 (ii) use on sovereign lands.
- 1253 (b) The state engineer may not approve a change application filed under this Subsection (2) unless the proposed instream flow or use on sovereign lands will contribute to:
- 1255 (i) the propagation or maintenance of wildlife;
- 1256 (ii) the management of state parks; or
- 1257 (iii) the reasonable preservation or enhancement of the natural aquatic environment.
- 1258 (c) A division may file a change application on:
- 1259 (i) a perfected water right:
- 1260 (A) presently owned by the division;
- 1261 (B) purchased by the division for the purpose of providing water for an instream flow or use on sovereign lands, through funding provided for that purpose by legislative appropriation; or
- 1264 (C) secured by lease, agreement, gift, exchange, or contribution; or
- 1265 (ii) an appurtenant water right acquired with the acquisition of real property by the division.
- 1267 (d) A division may:
- 1268 (i) purchase a water right for the purposes described in Subsection (2)(a) only with funds specifically appropriated by the Legislature for water rights purchases; or
- 1270 (ii) accept a donated water right without legislative approval.
- 1271 (e) A division may not acquire water rights by eminent domain for an instream flow, use on sovereign lands, or for any other purpose.
- 1273 (3)
- (a) A person entitled to the use of water shall obtain a division director's approval of the proposed change before filing a fixed time change application or a temporary change application with the state engineer.

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(b) By approving a proposed fixed time change application or temporary change application, a division director attests that the water that is the subject of the application can be used consistent with the statutory mandates of the director's division.

1280 (4)

(a) [~~Pursuant to~~] In accordance with Section 73-3-3, a person entitled to the use of water may file a fixed time change application or a temporary change application for a project to deliver water to a reservoir located partially or entirely within the Colorado River System in the state in accordance with:

1284 (i) Colorado River Drought Contingency Plan Authorization Act, Public Law 116-14;

1285 (ii) a water conservation program funded by the Bureau of Reclamation; or

1286 (iii) a water conservation program authorized by the state.

1287 (b) Before filing a change application under this Subsection (4), a person entitled to the use of water shall obtain the approval from the executive director of the Colorado River Authority of Utah, appointed under Section [~~63M-14-401~~] 73-34-401.

1290 (c) By approving a proposed fixed time change application or temporary change application, the executive director of the Colorado River Authority of Utah attests that the water that is the subject of the application can be used consistent with this section.

1294 (5) In addition to the requirements of Section 73-3-3, an application authorized by this section shall include:

1296 (a) a legal description of:

1297 (i) the segment of the natural or altered stream that will be the place of use for an instream flow;

1299 (ii) the location where the water will be used on sovereign lands; or

1300 (iii) the reservoir located partially or entirely within the Colorado River System in the state that the water will be delivered to; and

1302 (b) appropriate studies, reports, or other information required by the state engineer demonstrating:

1304 (i) the projected benefits to the public resulting from the change; and

1305 (ii) the necessity for the proposed instream flow or use on sovereign lands.

1306 (6) A person may not appropriate unappropriated water under Section 73-3-2 for the purpose of providing an instream flow or use on sovereign lands.

1308 (7) Water used in accordance with this section is considered to be beneficially used, as required by Section 73-3-1.

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- 1310 (8) A physical structure or physical diversion from the stream is not required to implement a change
under this section.
- 1312 (9) An approved change application described in this section does not create a right of access across
private property or allow any infringement of a private property right.
- 1316 Section 6. Section **73-10-4** is amended to read:
- 1317 **73-10-4. Powers and duties of board.**
- 1317 (1) The board shall have the following powers and duties to:
- 1318 (a) authorize studies, investigations, and plans for the full development, use, and promotion of the water
and power resources of the state, including preliminary surveys, stream gauging, examinations,
tests, and other estimates either separately or in consultation with federal, state and other agencies;
- 1322 (b) enter into contracts subject to the provisions of this chapter for the construction or purchase of a
project that in the opinion of the board will conserve and use for the best advantage of the people of
this state the water and power resources of the state, including projects beyond the boundaries of the
state of Utah located on interstate waters when the benefit of such projects accrues to the citizens of
the state;
- 1327 (c) sue and be sued in accordance with applicable law;
- 1328 (d) enter into a contract that the Utah water agent, appointed under Section 73-10g-702, recommends
for a water augmentation project under Section 73-10g-703;
- 1330 (e) cooperate with the Utah water agent, appointed under Section 73-10g-702, in matters affecting
interstate compact negotiations and the administration of the compacts affecting the waters of
interstate rivers, lakes and other sources of supply, with the exception of:
- 1334 (i) the waters of the Colorado River system that are governed by [~~Title 63M, Chapter 14, Colorado
River Authority of Utah Act~~] Title 73, Chapter 34, Colorado River Authority of Utah Act; or
- 1337 (ii) state representation under:
- 1338 (A) the Bear River Compact as provided in Section 73-16-4; or
- 1339 (B) the Columbia Interstate Compact as provided in Section 73-19-9;
- 1340 (f) contract with federal and other agencies and with the National Water Resources Association and to
make studies, investigations and recommendations and do all other things on behalf of the state for
any purpose that relates to the development, conservation, protection and control of the water and
power resources of the state;

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

1346 (h) consider and make recommendations on behalf of the state of reclamation projects or other water development projects for construction by any agency of the state or United States and in so doing recommend the order in which projects shall be undertaken; or

1350 (i) review, approve, and revoke an application to create a water bank under Chapter 31, Water Banking Act, collect an annual report, maintain the water banking website, and conduct any other function related to a water bank as described in Chapter 31, Water Banking Act.

1354 (2) Nothing contained in this section shall be construed to impair or otherwise interfere with the authority of the state engineer granted by this title, except as specifically otherwise provided in this section.

1359 Section 7. Section **73-10-18** is amended to read:

1360 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

1360 (1) There is created the Division of Water Resources, which shall be within the Department of Natural Resources under the administration and general supervision of the executive director of the Department of Natural Resources and under the policy direction of the Board of Water Resources.

1364 (2) Except for the waters of the Colorado River system that are governed by [~~Title 63M, Chapter 14, Colorado River Authority of Utah Act~~] Title 73, Chapter 34, Colorado River Authority of Utah Act, or state representation under the Bear River Compact or Columbia Interstate Compact, the Division of Water Resources shall:

1368 (a) be the water resource authority for the state; and

1369 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah water and power board except those which are delegated to the board by this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

1373 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section 73-10g-702, has authority over out-of-state negotiations related to water importation in accordance with Chapter 10g, Part 7, Utah Water Agent, except when limited by Section 73-10g-703.

1379 Section 8. Section **73-10-32** is amended to read:

1380 **73-10-32. Definitions -- Water conservation plan required.**

1379 (1) As used in this section:

1380 (a) "Division" means the Division of Water Resources created under Section 73-10-18.

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- 1381 (b) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a, Part 10, Water
Conservancy District Act.
- 1383 (c) "Water conservation plan" means a written document that contains existing and proposed water
conservation measures describing what will be done by a water provider, and the end user of
culinary water to help conserve water in the state in terms of per capita use of water provided
through culinary water infrastructure owned or operated by the water provider so that adequate
supplies of water are available for future needs.
- 1389 (d) "Water provider" means:
- 1390 (i) a retail water supplier, as defined in Section 19-4-102; or
- 1391 (ii) a water conservancy district.
- 1392 (2)
- (a) A water conservation plan shall contain:
- 1393 (i)
- (A) a clearly stated overall water use reduction goal that is consistent with Subsection (2)(d); and
- 1395 (B) an implementation plan for each water conservation measure a water provider chooses to use,
including a timeline for action and an evaluation process to measure progress;
- 1398 (ii) a requirement that a notification procedure be implemented that includes the delivery of the
water conservation plan to the media and to the governing body of each municipality and county
served by the water provider;
- 1401 (iii) a copy of the minutes of the meeting regarding a water conservation plan and the notification
procedure required in Subsection (2)(a)(ii) that shall be added as an appendix to the water
conservation plan; and
- 1404 (iv) for a retail water supplier, as defined in Section 19-4-102, the retail water supplier's rate
structure that is:
- 1406 (A) adopted by the retail water supplier's governing body in accordance with Section 73-10-32.5; and
- 1408 (B) current as of the day the retail water supplier files a water conservation plan.
- 1409 (b) A water conservation plan may include information regarding:
- 1410 (i) the installation and use of water efficient fixtures and appliances, including toilets, shower fixtures,
and faucets;
- 1412 (ii) residential and commercial landscapes and irrigation that require less water to maintain;
- 1414 (iii) more water efficient industrial and commercial processes involving the use of water;

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- 1416 (iv) water reuse systems, both potable and not potable;
- 1417 (v) distribution system leak repair;
- 1418 (vi) dissemination of public information regarding more efficient use of water, including public
education programs, customer water use audits, and water saving demonstrations;
- 1421 (vii) water rate structures designed to encourage more efficient use of water;
- 1422 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient use of water by
means such as water efficient fixtures and landscapes;
- 1424 (ix) incentives to implement water efficient techniques, including rebates to water users to encourage
the implementation of more water efficient measures;
- 1426 (x) regional conservation planning and shared shortage agreements; and
- 1427 (xi) other measures designed to conserve water.
- 1428 (c) The division may be contacted for information and technical resources regarding measures listed in
Subsection (2)(b).
- 1430 (d)
- (i) The division shall adopt by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, regional water conservation goals that:
- 1432 (A) are developed by the division;
- 1433 (B) take into consideration goals established in the Colorado River management plan adopted
[pursuant to] in accordance with Section [63M-14-204] 73-34-204;
- 1435 (C) for areas in the Great Salt Lake watershed, take into consideration the Great Salt Lake,
including the water budget associated with the integrated surface and ground water assessment
described in Section 73-10g-402;
- 1438 (D) take into consideration how growth and regional conservation goals impact agriculture water
use;
- 1440 (E) are reevaluated by December 31, 2030, and every 10 years after December 31, 2030; and
- 1442 (F) define what constitutes "water being conserved" under a water conservation goal after
considering factors such as depletion, diversion, use, consumption, or return flows.
- 1445 (ii) As part of a water conservation plan, a water provider shall adopt one of the following:
- 1447 (A) the regional water conservation goal applicable to the water provider;
- 1448 (B) a water conservation goal that would result in more water being conserved than would be conserved
under the regional water conservation goal; or

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- 1450 (C) a water conservation goal that would result in less water being conserved than would be conserved
under the regional water conservation goal with a reasonable justification as to why the different
water conservation goal is adopted and an explanation of the factors supporting the reasonable
justification, such as demographics, geography, lot sizes, make up of water service classes, or
availability of secondary water.
- 1456 (3)
- 1457 (a) A water provider shall:
- 1458 (i) prepare and adopt a water conservation plan; and
- 1459 (ii) file a copy of the water conservation plan with the division.
- 1462 (b)
- 1464 (i) Before adopting or amending a water conservation plan, a water provider shall hold a public hearing
with reasonable, advance public notice in accordance with this Subsection (3)(b).
- 1466 (ii) The water provider shall provide public notice at least 14 days before the date of the public hearing.
- 1470 (iii) A water provider meets the requirements of reasonable notice required by this Subsection (3)(b) if
the water provider posts notice of the public hearing:
- 1472 (A) for the service area of the water provider, as a class A notice under Section 63G-30-102, for at least
14 days; and
- 1475 (B) if the water provider is a private entity and has a public website, on the water provider's public
website.
- 1477 (iv) Proof that notice described in Subsection (3)(b)(iii) was given is prima facie evidence that notice
was properly given.
- 1479 (v) If notice given under authority of this Subsection (3)(b) is not challenged within 30 days from the
date of the public hearing for which the notice was given, the notice is considered adequate and
proper.
- 1480 (c) A water provider shall:
- 1481 (i) post the water provider's water conservation plan on a public website; or
- 1482 (ii) if the water provider does not have a public website, make the water provider's water conservation
plan publicly available for inspection upon request.
- 1483 (4)
- 1484 (a) The division shall:
- 1485

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- (i) provide guidelines and technical resources to help water providers prepare and implement water conservation plans;
- 1482 (ii) assist water providers by identifying water conservation methods upon request; and
- 1484 (iii) provide an online submission form that allows for an electronic copy of the water conservation plan to be filed with the division under Subsection (3)(a)(ii).
- 1486 (b) The division shall post an annual report at the end of a calendar year listing water providers in compliance with this section.
- 1488 (5) A water provider may only receive state funds for water development if the water provider complies with the requirements of this section.
- 1490 (6) A water provider specified under Subsection (3)(a) shall:
- 1491 (a) update the water provider's water conservation plan no less frequently than every five years; and
- 1493 (b) follow the procedures required under Subsection (3) when updating the water conservation plan.
- 1495 (7) It is the intent of the Legislature that the water conservation plans, amendments to existing water conservation plans, and the studies and report by the division be handled within the existing budgets of the respective entities or agencies.

1500 Section 9. Section **73-34-101** is renumbered and amended to read:

1500 **CHAPTER 34. Colorado River Authority of Utah Act**

1501 **Part 1. General Provisions**

1504 **~~[63M-14-102]~~ 73-34-101. Definitions.**

As used in this chapter:

- 1504 [(1) "Appointing authority" means an authority named in Section ~~63M-14-202~~ that appoints an authority member for a Colorado River authority area.]
- 1506 [(2)] (1) "Authority" means the Colorado River Authority of Utah created by Section ~~[63M-14-201]~~ 73-34-201.
- 1508 [(3)] (2) "Authority member" means a person appointed as a member of the authority under Section ~~[63M-14-202]~~ 73-34-202 or designated as a member of the authority.
- 1510 [(4)] (3) "Chair" means the chair of the authority.
- 1511 [(5)] (4) "Colorado River Basin States" means Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

1513

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[(6)] (5) "Colorado River authority area" means the geographic area designated by Subsection [63M-14-202(2)] 73-34-202(2).

1515 [(7)] (6) "Colorado River system" means the entire drainage of the Colorado River in Utah including both the main stem of the Colorado River and the Colorado River's tributaries.

1517 (7) "Department" means the Department of Natural Resources.

1518 (8) "Law of the river" means the compacts, federal laws, treaties, court decisions and decrees, contracts, and regulatory guidelines that underlie and authorize the management and operation of the Colorado River.

1521 ~~[(9) "Restricted account" means the Colorado River Authority Restricted Account created in Section {f} 63M-14-501 { } 73-34-501 }:]~~

1523 ~~[(10)]~~ (9) "River commissioner" means the person appointed under Section [63M-14-301] 73-34-301.

1527 Section 10. Section **73-34-102** is renumbered and amended to read:

1529 ~~[63M-14-103]~~ **73-34-102. Scope of chapter.**

1528 [(4)] This chapter may not be interpreted to override, supersede, or modify any water right within the state, or the role and authority of the state engineer.

1530 [(2) ~~The Division of Water Resources shall coordinate with the authority and river commissioner in the implementation of this chapter.~~]

1534 Section 11. Section **11** is enacted to read:

1535 **73-34-103. Transition into the department.**

1534 (1) A resolution of the authority in effect on June 30, 2026, remains in effect until changed by the authority under Section 73-34-209.

1536 (2) The authority within the department succeeds to a contract of the authority in effect on June 30, 2026.

1540 Section 12. Section **73-34-201** is renumbered and amended to read:

1540

Part 2. Authority

1543 ~~[63M-14-201]~~ **73-34-201. Authority created.**

There is created within the [governor's office] department the Colorado River Authority of Utah.

1546 Section 13. Section **73-34-202** is renumbered and amended to read:

1548 ~~[63M-14-202]~~ **73-34-202. Organization of the authority -- Annual conflict of interest disclosure statement -- Penalties.**

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- 1548 (1) The authority is composed of [~~seven~~] 10 authority members:
- 1549 (a) the river commissioner, who is the chair of the authority;
- 1550 (b) five authority members who represent Colorado River authority areas;
- 1551 [~~(b) one authority member who represents the governor; and]~~
- 1552 (c) one authority member who represents tribal interests[-] ;
- 1553 (d) the director of the Division of Water Resources;
- 1554 (e) the executive director of the department, who shall serve as a nonvoting member; and
- 1555 (f) the state engineer, who shall serve as a nonvoting member.
- 1556 (2) The five Colorado River authority areas, defined by existing county boundaries that reflect the historic and current use of the Colorado River system, include:
- 1558 (a) the Central Utah Area composed of Salt Lake, Utah, Juab, Sanpete, Summit, Wasatch, Duchesne, and Uintah counties, located within the service area of the Central Utah Water Conservancy District;
- 1561 (b) the Uintah Basin Area composed of Duchesne and Uintah counties, notwithstanding that these counties fall within the Central Utah Area, and Daggett county;
- 1563 (c) the Price and San Rafael Area composed of Carbon and Emery counties;
- 1564 (d) the Virgin River Area composed of Kane and Washington counties; and
- 1565 (e) the Southeastern Area composed of Garfield, Grand, San Juan, and Wayne counties.
- 1566 [~~(e) the State of Utah Area that represents;~~
- 1567 [~~(i) the remaining counties using the Colorado River system;~~
- 1568 [~~(ii) the Department of Natural Resources and the Department of Natural Resources' divisions; and]~~
- 1570 [~~(iii) the users of the Colorado River system that are not specifically included in the other four Colorado River authority areas and include Garfield, Grand, San Juan, and Wayne counties.]~~
- 1573 (3) The voting members of the authority are:
- 1574 (a) [~~four~~] the river commissioner;
- 1575 (b) five members appointed as follows:
- 1576 (i) for a term that expires June 30, 2027:
- 1577 [(i)] (A) a representative of the Central Utah Area appointed by the board of trustees of the Central Utah Water Conservancy District;
- 1579 [(ii)] (B) a representative of the Uintah Basin Area appointed jointly by the boards of trustees of the Duchesne County and Uintah Water Conservancy Districts;
- 1581

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- 1584 [(iii)] (C) a representative of the Price and San Rafael Area appointed jointly by the county commission
of Carbon County and the board of trustees of the Emery Water Conservancy District; ~~and]~~
- 1586 [(iv)] (D) a representative of the Virgin River Area appointed by the board of trustees of the
Washington County Water Conservancy District; and
- 1589 (E) a representative of the Southeastern Area appointed jointly by the boards of trustees of the Grand
County Water Conservancy District and the San Juan County Water Conservancy District; and
- 1592 (ii) in the case of a vacancy or for a term that begins on or after July 1, 2027, the following appointed
by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,
Part 2, Vacancies:
- 1595 (A) a representative of the Central Utah Area appointed from three nominations submitted to the
governor by the board of trustees of the Central Utah Water Conservancy District;
- 1602 (B) a representative of the Uintah Basin Area appointed from three nominations submitted to the
governor jointly by the boards of trustees of the Duchesne County and Uintah Water Conservancy
Districts;
- 1605 (C) a representative of the Price and San Rafael Area appointed from three nominations submitted to
the governor jointly by the county commission of Carbon County and the board of trustees of the
Emery Water Conservancy District;
- 1609 (D) a representative of the Virgin River Area appointed from three nominations submitted to the
governor jointly by the board of trustees of the Washington County Water Conservancy District; and
- 1611 (E) a representative of the Southeastern Area appointed from three nominations submitted to the
governor jointly by the boards of trustees of the Grand County Water Conservancy District and the
San Juan County Water Conservancy District;
- 1613 [~~(b)~~] (c) ~~the director of the Division of Water Resources~~ ~~[as the representative of the State of Utah Area~~
~~created in Subsection (2)(e)]; and~~
- 1614 [(e) ~~the executive director of the Department of Natural Resources as the representative of the governor;~~
~~and]~~
- 1615 (d) a representative of tribal interests who is:
- 1616 (i) appointed by the governor; and
- 1617 (ii) a member of a federally recognized Indian tribe if the tribe is, in whole or in part, located within the
state and within the Colorado River system.
- 1618 (4)

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- (a) A joint appointment required under Subsection ~~[(3)]~~ (3)(b)(i) requires the agreement of ~~[both]~~ all appointing authorities before the authority member seat is filled.
- 1620 (b) A joint nomination required under Subsection (3)(b)(ii) requires the agreement of all nominating
authorities before the nomination process is complete.
- 1622 (5) An authority member who is appointed under Subsection (3) shall:
- 1623 (a) be a resident of the state; and
- 1624 (b) have experience and a general knowledge of:
- 1625 (i) Colorado River issues and the use of the Colorado River system in the member's respective Colorado
River authority area;
- 1627 (ii) the development of the use of the waters of the Colorado River system; and
- 1628 (iii) the rights of this state concerning the resources and benefits of the Colorado River system.
- 1630 (6)
- ~~[(a) An appointing authority shall notify the chair of:]~~
- 1631 ~~[(i) the appointing authority's initial appointment to the authority; and]~~
- 1632 ~~[(ii) the appointment of a new member or when a vacancy is being filled.]~~
- 1633 ~~[(b) An appointment of an authority member is effective when received by the chair.]~~
- 1634 ~~[(c)]~~ (a) The initial term of an appointed authority member appointed under Subsection (3)(b)(i) expires
June 30, 2027. Before June 30, 2027, the authority shall adopt a system to stagger the terms of
appointed authority members beginning July 1, 2027, and notify ~~[each appointing authority]~~ the
governor of the duration of the term of the ~~[appointing authority's]~~ appointed authority member. The
staggering of terms after July 1, 2027, shall result in approximately ~~[one-third]~~ half of the appointed
authority members' terms expiring every two years. After the respective terms of adjustment are
complete, subsequent appointed authority members shall be appointed by ~~[-an appointing authority
for six-year-]~~ the governor for four-year terms.
- 1643 ~~[(d)]~~ (b) An authority member term shall end on June 30. ~~[New terms commence]~~ A new term
commences on July 1.
- 1645 ~~[(e)]~~ (c) An authority member whose term has expired shall serve until replaced or reappointed by the
~~[applicable appointing authority]~~ governor.
- 1647 ~~[(f)]~~ (d) ~~[An appointing authority may at any time remove the appointing authority's authority member~~
] The governor may at any time remove an appointed authority member for neglect of duty or

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malfeasance in office. [~~If the authority member is jointly appointed, the authority member may only be removed by joint agreement of both appointing authorities.~~]

- 1652 (7) In the event of a vacancy in an appointed member of the authority, the chair shall notify the
[~~appointing authority~~] governor of the vacancy and ask that an authority member be promptly
appointed.
- 1655 (8)
- (a) An authority member may not receive compensation or benefits for the authority member's service,
but may receive per diem and travel expenses in accordance with:
- 1657 (i) Section 63A-3-106;
- 1658 (ii) Section 63A-3-107; and
- 1659 (iii) rules made by the [~~Department~~] Division of Finance [~~pursuant to~~] in accordance with Sections
63A-3-106 and 63A-3-107.
- 1661 (b) If an authority member is a full-time employee with either the state or a water conservancy district,
the authority member is not eligible for the per diem compensation.
- 1664 (9) The executive director appointed under Section [~~63M-14-401~~] 73-34-401 shall provide staff services
to the authority.
- 1666 (10) An authority member shall, no sooner than January 1 and no later than January 31 of each year
during which the authority member holds office on the authority:
- 1668 (a) prepare a written conflict of interest disclosure statement that contains a response to each item of
information described in Subsection 20A-11-1604(6); and
- 1670 (b) submit the written disclosure statement to the [~~administrator or clerk~~] executive director of the
authority.
- 1672 (11)
- (a) No later than 10 business days after the date on which the authority member submits the written
disclosure statement described in Subsection (10) to the [~~administrator or clerk~~] executive director
of the authority, the [~~administrator or clerk~~] executive director of the authority shall:
- 1676 (i) post a copy of the written disclosure statement on the authority's website; and
- 1677 (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection
(11)(a)(i).

1679

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(b) The ~~[administrator or clerk]~~ executive director of the authority shall ensure that the authority member's written disclosure statement remains posted on the authority's website until the authority member leaves office.

1682 (12) The ~~[administrator or clerk]~~ executive director of the authority shall take the action described in Subsection (13) if:

1684 (a) an authority member fails to timely file the written disclosure statement described in Subsection (10); or

1686 (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).

1688 (13) If a circumstance described in Subsection (12) occurs, the ~~[administrator or clerk]~~ executive director of the authority shall, within five days after the day on which the ~~[administrator or clerk]~~ executive director of the authority determines that a violation occurred, notify the authority member of the violation and direct the authority member to submit an amended written disclosure statement correcting the problem.

1693 (14)

(a) It is unlawful for an authority member to fail to submit or amend a written disclosure statement within seven days after the day on which the authority member receives the notice described in Subsection (13).

1696 (b) An authority member who violates Subsection (14)(a) is guilty of a class B misdemeanor.

1698 (c) The ~~[administrator or clerk]~~ executive director of the authority shall report a violation of Subsection (14)(a) to the attorney general.

1700 (d) In addition to the criminal penalty described in Subsection (14)(b), the ~~[administrator or clerk]~~ executive director of the authority shall impose a civil fine of \$100 against an authority member who violates Subsection (14)(a).

1703 ~~[(15) The {f} -administrator or clerk-{} -executive director -} of the authority shall deposit a fine collected under this section into the authority's- {restricted- } account to pay for the costs of administering this section.]~~

1707 Section 14. Section **73-34-203** is renumbered and amended to read:

1709 ~~[63M-14-203]~~ **73-34-203. Authority operation -- Consultation with tribes.**

1710 (1) ~~[An]~~ A voting authority member has one vote on authority [matters] business.

1711 (2)

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- 1713 (a) ~~[Four]~~ Five voting members of the authority constitute a quorum to conduct authority business.
- 1714 (b) A vote of ~~[four]~~ five voting members is needed to pass authority business.
- (3)
- (a)
- 1717 (i) The river commissioner appointed by the governor before March 16, 2021, shall serve as the chair of the authority until June 30, 2027, if the river commissioner is a member of the authority.
- (ii) Beginning on July 1, 2027, the river commissioner shall be appointed under Section ~~[63M-14-301]~~ 73-34-301 and shall serve as chair of the authority for a term of ~~[six]~~ four years in accordance with ~~[Section 63M-14-302]~~ Sections 73-34-301 and 73-34-302.
- 1721 (b) The authority may elect other officers such as vice chair, secretary, and treasurer.
- 1722 (c) The chair, vice chair, secretary, and treasurer are required to be authority members.
- 1723 (d) Other officers of the authority are not required to be authority members. The authority shall adopt, by resolution, job responsibilities and terms of offices for the officers appointed under this Subsection (3)(d).
- 1726 (e) ~~[If]~~ Except for the river commissioner as chair, if an authority officer no longer serves as an officer of the authority, the authority shall fill the vacancy for the unexpired term of the officer who is no longer serving.
- 1729 (4)
- ~~[(a) The Department of Natural Resources shall cooperate with the authority.]~~
- 1730 ~~[(b)]~~ At the request of the authority, the executive director of the ~~[Department of Natural Resources]~~ department shall:
- 1732 ~~[(i)]~~ (a) provide to the authority data or information collected by the ~~[Department of Natural Resources]~~ department; and
- 1734 ~~[(ii)]~~ (b) ensure that the ~~[Department of Natural Resources present]~~ department presents information to the authority.
- 1736 (5) The authority shall seek an appropriate government-to-government relationship on matters directly related to the authority's general powers and mission as set forth in Section ~~[63M-14-204]~~ 73-34-204 with all federally recognized Indian tribes located, in whole or in part, within the state and within the Colorado River system.
- 1741 Section 15. Section **73-34-204** is renumbered and amended to read:

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- 1743 ~~[63M-14-204]~~ **73-34-204. Authority's general powers and mission -- Management plan --**
1744 **Duties and powers.**
- 1744 (1) The authority may advise, support, gather information, and provide input to the river commissioner
 and the Legislature.
- 1746 (2) The mission of the authority is to protect~~[, conserve, use, and develop Utah's waters of]~~ Utah's right
 to use waters from the Colorado River system.
- 1748 (3) The authority may develop a management plan to ensure that Utah can protect Utah's right to use
 and develop the Colorado River system and to work to ensure that Utah can live within the state's
 apportionment of the Colorado River system.
- 1751 (4) The authority may assist the Utah water agent, appointed under Section 73-10g-702, in pursuing the
 Utah water agent's functions and duties as related to the Colorado River.
- 1753 (5) The authority may coordinate with the Office of the Attorney General to prepare the state for
 potential litigation.
- 1755 (6) As the authority determines appropriate to further the mission of the authority or implement the
 management plan, the authority may:
- 1757 (a) take a necessary action to acquire a grant or other resource from the federal government, other
 government agency, or private entity, including providing matching money;
- 1760 (b) award a grant of money from authority money;
- 1761 (c) enter into a lease agreement for a water right or water share;
- 1762 (d) enter into a contract generally;
- 1763 (e) contract with the federal government or other government agency;
- 1764 (f) sue and be sued; and
- 1765 (g) provide funding for the development of infrastructure and improvements on or related to the
 Colorado River.
- 1768 Section 16. Section **73-34-205** is renumbered and amended to read:
- 1770 ~~[63M-14-205]~~ **73-34-205. Records.**
- 1770 (1) ~~[The records]~~ The authority shall maintain a record of the authority and the river commissioner~~[~~
 ~~shall be maintained by the authority].~~
- 1772 (2) The authority may classify a record in accordance with Title 63G, Chapter 2, Government Records
 Access and Management Act, including a record described in Subsection 63G-2-305(81).
- 1776 Section 17. Section **73-34-206** is renumbered and amended to read:

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1778 ~~[63M-14-207]~~ **73-34-206. Reports.**

1778 (1) The authority shall prepare an annual report of the authority's and river commissioner's activities and submit the report to the following:

1780 (a) the governor; and

1781 (b) the Legislative Management Committee.

1782 (2) The authority shall respond to and participate in ~~[meetings]~~ a meeting as requested by a legislative committee or by the governor.

1785 Section 18. Section **73-34-207** is renumbered and amended to read:

1787 ~~[63M-14-208]~~ **73-34-207. Authority meetings.**

The authority shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in holding meetings.

1790 Section 19. Section **73-34-208** is renumbered and amended to read:

1792 ~~[63M-14-209]~~ **73-34-208. Advisory councils authorized -- Consultations.**

1793 (1)

(a) The authority may create authorized advisory councils of interested persons for consultations with the authority.

1795 (b) The authority shall by resolution adopt policies governing authorized:

1796 (i) ~~[authorized]~~ advisory councils;

1797 (ii) ~~[authorized]~~ advisory council members;

1798 (iii) ~~[authorized]~~ advisory council leadership; and

1799 (iv) ~~[authorized]~~ topic areas of interest for each authorized advisory council that directly relate to the mission and objectives of the authority.

1801 (c) The authority may consult with an authorized advisory ~~[councils]~~ council and consider data, information, and input from ~~[these]~~ the authorized advisory ~~[councils]~~ council relevant to the mission and objectives of the authority.

1804 (2) The authority may consult with a relevant watershed ~~[councils]~~ council created under Title 73, Chapter 10g, Part 3, Watershed Councils Act.

1807 Section 20. Section **73-34-209** is renumbered and amended to read:

1809 ~~[63M-14-210]~~ **73-34-209. Application of state laws.**

1809 (1)

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- (a) The authority is not an executive branch procurement unit under Title 63G, Chapter 6a, Utah Procurement Code, and is not subject to that chapter.
- 1811 (b) The authority shall by resolution adopt a procurement procedure substantially similar to Title 63G, Chapter 6a, Utah Procurement Code, or a procurement code adopted by an [~~appointing authority~~] authority named in Subsection 73-34-202(3)(b)(i) that nominates an authority member for a Colorado River authority area.
- 1815 (c) The authority may contract with an [~~appointing authority~~] authority named in Subsection 73-34-202(3)(b)(i) that nominates an authority member for a Colorado River authority area that has a local procurement procedure to deal with procurement in a manner consistent with the resolution adopted under Subsection (1)(b).
- 1819 (2)
- (a) The authority shall comply with Title 63A, Chapter 17, Utah State Personnel Management Act, except as provided in this Subsection (2).
- 1821 (b)
- (i) The authority may approve, upon recommendation of the chair, that exemption for specific positions under Subsections 63A-17-301(1) and 63A-17-307(2) is required to enable the authority to efficiently fulfill the authority's responsibilities under the law.
- 1825 (ii) The chair shall consult with the executive director of the Division of Human Resource Management before making a recommendation under Subsection (2)(b)(i).
- 1828 (iii) The position of executive director is exempt under Subsections 63A-17-301(1) and 63A-17-307(2).
- 1830 (c)
- (i) The executive director shall set salaries for exempted positions, except for the executive director, after consultation with the executive director of the Department of Human Resource Management, within ranges approved by the authority. The [~~chair~~] executive director of the department shall set the salary of the executive director.
- 1835 (ii) The authority and executive director shall consider salaries for similar positions in private enterprise and other public employment when setting salary ranges.
- 1837 (3) In adopting a policy under this chapter, the authority:
- 1838 (a) is not required to comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1840 (b) shall adopt the policy by resolution of the authority.
- 1842 Section 21. Section **73-34-301** is renumbered and amended to read:

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1843

Part 3. River Commissioner

1845

~~[63M-14-301]~~ **73-34-301. Appointment of river commissioner.**

1846

(1)

(a) If the governor appoints the river commissioner before March 16, 2021, that appointment expires on June 30, 2027.

1848

(b) If the river commissioner appointed by the governor under Subsection (1)(a) is also appointed as a member of the authority, the river commissioner shall serve as the chair of the authority for a term expiring June 30, 2027.

1851

(c) After June 30, 2027, the ~~[authority shall elect a chair, who shall also serve, subject to the approval of the governor, as the river commissioner]~~ governor shall appoint the river commissioner with the advice and consent of the Senate.

1854

(d) If after June 30, 2027, the governor appoints as the river commissioner an individual who is a member of the authority appointed under Subsection 73-34-202(1)(b) or (c), the individual is no longer a member of the authority under Subsection 73-34-202(1)(b) or (c) but is a member of the authority as the chair of the authority. The governor shall replace the vacancy created by appointment of the river commissioner under this Subsection (1) in accordance with Subsection 73-34-202(7).

1860

(e) An individual may not hold one of the following positions and be the river commissioner at the same time:

1862

(i) the director of the Division of Water Resources;

1863

(ii) the executive director of the department; or

1864

(iii) the state engineer.

1865

(2) The term of a river commissioner runs concurrently with the term ~~[of the]~~ as chair as provided in Sections ~~[63M-14-203 and 63M-14-302]~~ 73-34-203 and 73-34-302.

1867

(3) If the river commissioner no longer serves as river commissioner, the ~~[authority]~~ governor shall fill the vacancy in accordance with ~~[Section 63M-14-203]~~ this section and Section 73-34-203.

1870

(4) Notwithstanding Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, and except as provided in Subsection (1)(e), a river commissioner may hold another government position at the same time as being a river commissioner without creating a conflict of interest.

1875

Section 22. Section **73-34-302** is renumbered and amended to read:

1877

~~[63M-14-302]~~ **73-34-302. Term -- Removal of river commissioner.**

HB0473S01 compared with HB0473S02

- 1878 (1) ~~[The]~~ After the appointment under Subsection 73-34-301(1)(a) expires, the term of the river
commissioner is ~~[six]~~ four years.
- 1880 (2) The authority, with the consent of the governor, may remove the river commissioner if the authority
finds that the river commissioner has engaged in neglect of duty or malfeasance in office. If the river
commissioner is removed under this Subsection (2), the removed river commissioner may not serve
as chair of the authority or as a member of the authority.
- 1886 Section 23. Section **73-34-303** is renumbered and amended to read:
- 1888 ~~[63M-14-304]~~ **73-34-303. Duties and powers.**
- 1888 (1) Before legal action on behalf of the state or the users of the waters of the Colorado River system
may be taken under this chapter, the river commissioner shall request that the governor and attorney
general take legal action on behalf of the state and the users of the waters of the Colorado River
system~~[to assure, conserve, protect, and preserve Utah's allocation of the waters of the Colorado
River system as authorized by the law of the river]~~.
- 1894 (2) Except as provided in Section ~~[63M-14-402]~~ 73-34-402, the attorney general shall represent the
river commissioner and the authority, including the authority's members and officers, in all matters
related to the Colorado River. At the request of the authority or the river commissioner, the attorney
general may institute or join legal actions against any party to enforce or defend the state's rights in
matters related to the Colorado River.
- 1899 (3) The river commissioner shall act for the state and the Utah Colorado River users in consultations or
negotiations with:
- 1901 (a) the Upper Colorado River Commission;
- 1902 (b) the states in the Colorado River Compact; and
- 1903 (c) the government of the United States.
- 1904 (4) The river commissioner may make and enter into a compact between Utah and Colorado River
Basin States, either jointly or severally. A compact that defines the rights of the states or of the
United States in the waters of the Colorado River system is not binding on Utah until ratified and
approved by:
- 1908 (a) the Utah State Legislature by joint resolution;
- 1909 (b) the governor of this state; and
- 1910 (c) the appropriate federal agency when the federal agency's approval is required.
- 1911 (5) The river commissioner within the limits of the river commissioner's authority shall:

HB0473S01 compared with HB0473S02

- 1912 (a) represent and act for the state in consultation with other states, the United States, foreign countries,
and private persons, and negotiate and enter into agreements between the state and those entities,
jointly or severally;
- 1915 (b) represent and act for the state as a member of an interstate or international commission or other
body as may be established relating to the Colorado River system in transactions with Colorado
River Basin States, the federal government, or a foreign country; and
- 1919 (c) report to the governor the measures or legislative actions that the river commissioner considers
necessary to carry out the provisions of any law relating to the powers and duties of the authority.
- 1922 (6) The river commissioner shall perform the duties imposed by this chapter and perform all other
things the river commissioner considers necessary or expedient to carry out the purposes of this
chapter.

1926 Section 24. Section **73-34-304** is renumbered and amended to read:

1928 ~~[63M-14-305]~~ **73-34-304. Authority consultation with river commissioner.**

- 1929 (1) The river commissioner shall consult with the authority in exercising the powers and performing the
duties of the river commissioner enumerated in this chapter.
- 1931 (2) The river commissioner shall report and make recommendations to the authority at the request of the
authority or when the river commissioner considers [it] proper.
- 1933 (3) The purpose of consulting with and reporting to the authority is to safeguard and protect the rights
and interests of Utah, Utah's agencies, and Utah's citizens in respect of the waters of the Colorado
River system.

1937 Section 25. Section **73-34-305** is renumbered and amended to read:

1939 ~~[63M-14-306]~~ **73-34-305. Investigative powers -- Storage of data relating to the use of the
Colorado River system.**

- 1940 (1) The river commissioner may investigate past, present, and potential uses of the water of the
Colorado River system within and without the state.
- 1942 (2) The river commissioner shall investigate, coordinate, collate, and preserve information, facts, and
data bearing upon the claims of states and of public or private agencies within and without the state
to and in respect of the water and the use of water of the Colorado River system.

1947 Section 26. Section **73-34-401** is renumbered and amended to read:

1948

Part 4. Employees of Authority

1950 ~~[63M-14-401]~~ **73-34-401. Executive director.**

HB0473S01 compared with HB0473S02

- 1950 (1) The ~~[chair]~~ executive director of the department may hire an executive director.
- 1951 (2) The executive director or the executive director's designee:
- 1952 (a) is responsible for the administering and carrying out the policies of the authority;
- 1953 (b) shall direct and supervise the technical and administrative activities of the authority;
- 1954 (c) ~~[subject to the supervision of the chair,]~~is responsible for the conduct of the administrative function of the river commissioner and the authority; and
- 1956 (d) shall perform any lawful act necessary to carry out the duties of the authority.
- 1957 (3) The executive director shall, within the limits of available funding, employ the employees necessary to carry out the functions and duties of the executive director. The employees have the duties prescribed by the executive director.

1961 Section 27. Section **73-34-402** is renumbered and amended to read:

1963 ~~[63M-14-402]~~ **73-34-402. Consultants or other professionals.**

To advise the authority on matters relating to the authority, the executive director may:

- 1964 (1) employ one or more consultants or other professionals; and
- 1965 (2) employ or retain legal counsel, with the consent of the attorney general, to advise the authority or river commissioner on matters relating to the authority's or river commissioner's operations.

1969 Section 28. Section **73-34-501** is renumbered and amended to read:

1971

Part 5. Financial Operations

1972 ~~[63M-14-502]~~ **73-34-501. Budgeting process.**

- 2002 (1) Within the legislative appropriations and in-kind goods and services received by the authority, the authority shall prepare an annual budget of revenues and expenditures for the authority for each fiscal year.
- 2005 (2) The authority may not make expenditures in excess of the total expenditures established in the annual budget as the budget is adopted or amended.

1968 Section 28. Section **73-34-501** is renumbered and amended to read:

1970

Part 5. Financial Operations

1971 ~~[63M-14-501]~~ **. Colorado River Authority Restricted Account.**

- 1973 (1) There is created a restricted account in the General Fund known as the "Colorado River Authority Restricted Account."
- 1975 (2) The restricted account shall consist of:

HB0473S01 compared with HB0473S02

- 1976 (a) money contributed by the following users of the Colorado River system in an amount that the
respective governing bodies considers advisable:
- 1978 (i) an irrigation district;
- 1979 (ii) a nonprofit corporation;
- 1980 (iii) a water conservancy district;
- 1981 (iv) a municipality; or
- 1982 (v) a metropolitan water district;
- 1983 (b) appropriations of the Legislature;
- 1984 (c) contributions from other sources, including federal funding; and
- 1985 (d) interest or earnings on the restricted account.
- 1986 (3)
- (a) The state treasurer shall invest money in the restricted account according to Title 51, Chapter 7,
State Money Management Act.
- 1988 (b) The state treasurer shall deposit interest or other earnings derived from investment of restricted
account money into the restricted account.
- 1990 (4) Subject to appropriation by the Legislature, money in the restricted account is for the use of the
authority [to:]
- 1992 [~~(a) fill the authority's statutory duties related to Utah's allocation of water from the Colorado River
system;~~]
- 1994 [~~(b) pay the compensation of employees, consultants, and legal counsel; and~~]
- 1995 [~~(c) pay the travel expenses of the river commissioner~~] or department to implement this chapter.
- 1997 (5) In addition to money contributed by the users of the Colorado River system described in Subsection
(2)(a), a user may provide in-kind goods and services to the authority.
- 1978 Section 29. Section **79-2-201** is amended to read:
- 1979 **79-2-201. Department of Natural Resources created.**
- 2010 (1) There is created the Department of Natural Resources.
- 2011 (2) The department comprises the following:
- 2012 (a) Board of Water Resources, created in Section 73-10-1.5;
- 2013 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
- 2014 (c) Office of Energy Development, created in Section 79-6-401;
- 2015 (d) Wildlife Board, created in Section 23A-2-301;

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- 2016 (e) Board of the Utah Geological Survey, created in Section 79-3-301;
- 2017 (f) Water Development Coordinating Council, created in Section 73-10c-3;
- 2018 (g) Division of Water Rights, created in Section 73-2-1.1;
- 2019 (h) Division of Water Resources, created in Section 73-10-18;
- 2020 (i) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
- 2021 (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;
- 2022 (k) Division of State Parks, created in Section 79-4-201;
- 2023 (l) Division of Outdoor Recreation, created in Section 79-7-201;
- 2024 (m) Division of Wildlife Resources, created in Section 23A-2-201;
- 2025 (n) Utah Geological Survey, created in Section 79-3-201;
- 2026 (o) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section 79-7-206;
- 2028 (p)
- (i) an advisory council that includes in the advisory council's duties advising on state boating policy, authorized by Section 73-18-3.5; or
- 2030 (ii) an advisory council that includes in the advisory council's duties advising on off-highway vehicle use, authorized by Section 41-22-10;
- 2032 (q) Wildlife Board Nominating Committee, created in Section 23A-2-302;
- 2033 (r) Wildlife Regional Advisory Councils, created in Section 23A-2-303;
- 2034 (s) Utah Watersheds Council, created in Section 73-10g-304;
- 2035 (t) Public Lands Policy Coordinating Office created in Section 63L-11-201;[~~and~~]
- 2036 (u) the Great Salt Lake commissioner, appointed under Section 73-32-201, and the Office of the Great Salt Lake Commissioner, created in Section 73-32-301[~~;~~] ; and
- 2038 (v) the Colorado River Authority and river commissioner under Title 73, Chapter 34, Colorado River Authority of Utah Act.

2011 Section 30. **Repealer.**

This Bill Repeals:

2012 This bill repeals:

2013 Section **63M-14-101, Title.**

2014 Section **63M-14-303, Compensation.**

2015 Section **63M-14-501, Colorado River Authority Restricted Account.**

2016 Section . **FY 2027 Appropriations.**

HB0473S01 compared with HB0473S02

2017 The following sums of money are appropriated for the fiscal year beginning July 1,
2018 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for
2019 fiscal year 2027.

2020 Subsection 31(a). **Operating and Capital Budgets**

2021 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
2022 Legislature appropriates the following sums of money from the funds or accounts indicated for
2023 the use and support of the government of the state of Utah.

2024 To Department of Natural Resources - Colorado River Authority of Utah

2025 1,638,500

2026 Schedule of Programs:

2027 1,638,500

2028 Subsection 31(b). **Restricted Fund and Account Transfers**

2029 The Legislature authorizes the State Division of Finance to transfer the following
2030 amounts between the following funds or accounts as indicated. Expenditures and outlays from
2031 the funds to which the money is transferred must be authorized by an appropriation.

2032 To General Fund Restricted - Colorado River Authority Restricted Account

2033 (1,638,500)

2034 Schedule of Programs:

2035 (1,638,500)

2036 The Legislature intends that the Division of
2037 Finance transfer any balances remaining in the Colorado
2038 River Authority Restricted Account after fiscal year 2026
2039 closeout to the Department of Natural Resources -
2040 Colorado River Authority of Utah line item.

2041 Section 32. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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