

SB0327S01 compared with SB0327

~~{Omitted text}~~ shows text that was in SB0327 but was omitted in SB0327S01

inserted text shows text that was not in SB0327 but was inserted into SB0327S01

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Occupational Licensing Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: John D. Johnson
House Sponsor:



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3 **LONG TITLE**

4 **General Description:**

5 This bill repeals the licensing requirement for multiple occupations.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ repeals the licensing requirement for:
- 9 • a commercial interior designer;
 - 10 • ~~{a court recorder;}~~
 - 11 • the practice of deception detection; and
 - 12 • the practice of music therapy; and
- 13 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

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18 AMENDS:

19 **58-1-301.5** , as last amended by Laws of Utah 2025, Chapter 236

20 **63G-6a-103** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

22 ~~{77-22-2, as last amended by Laws of Utah 2019, Chapter 420}~~

23 ~~{78A-2-402, as last amended by Laws of Utah 2020, Chapter 376}~~

24 ~~{78A-2-404, as last amended by Laws of Utah 2020, Chapter 376}~~

21 REPEALS:

22 **58-64-101** , as enacted by Laws of Utah 1995, Chapter 215

23 **58-64-102** , as last amended by Laws of Utah 2020, Chapter 154

24 **58-64-301** , as last amended by Laws of Utah 2016, Chapter 201

25 **58-64-302** , as last amended by Laws of Utah 2025, Chapter 443

26 **58-64-303** , as last amended by Laws of Utah 2016, Chapter 201

27 **58-64-304** , as last amended by Laws of Utah 2016, Chapter 238 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 238

29 **58-64-305** , as last amended by Laws of Utah 1996, Chapter 79

30 **58-64-401** , as enacted by Laws of Utah 1995, Chapter 215

31 **58-64-501** , as enacted by Laws of Utah 1995, Chapter 215

32 **58-64-502** , as last amended by Laws of Utah 2020, Chapter 154

33 **58-64-601** , as last amended by Laws of Utah 2020, Chapter 154

34 **58-64-701** , as last amended by Laws of Utah 2016, Chapter 201

39 ~~{58-74-101, as last amended by Laws of Utah 2019, Chapter 379}~~

40 ~~{58-74-102, as last amended by Laws of Utah 2020, Chapter 339}~~

41 ~~{58-74-301, as last amended by Laws of Utah 2019, Chapter 379}~~

42 ~~{58-74-302, as last amended by Laws of Utah 2024, Chapter 198}~~

43 ~~{58-74-303, as last amended by Laws of Utah 2019, Chapter 379}~~

44 ~~{58-74-401, as last amended by Laws of Utah 2019, Chapter 379}~~

45 ~~{58-74-501, as last amended by Laws of Utah 2019, Chapter 379}~~

46 ~~{58-74-502, as last amended by Laws of Utah 2019, Chapter 379}~~

35 **58-84-101** , as enacted by Laws of Utah 2014, Chapter 340

36 **58-84-102** , as last amended by Laws of Utah 2024, Chapter 420

37 **58-84-103** , as enacted by Laws of Utah 2014, Chapter 340

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38 **58-84-201** , as last amended by Laws of Utah 2024, Chapter 420
39 **58-84-202** , as enacted by Laws of Utah 2014, Chapter 340
40 **58-84-203** , as enacted by Laws of Utah 2014, Chapter 340
41 **58-84-301** , as enacted by Laws of Utah 2014, Chapter 340
42 **58-86-101** , as enacted by Laws of Utah 2016, Chapter 294
43 **58-86-102** , as enacted by Laws of Utah 2016, Chapter 294
44 **58-86-103** , as enacted by Laws of Utah 2016, Chapter 294
45 **58-86-201** , as enacted by Laws of Utah 2016, Chapter 294
46 **58-86-202** , as last amended by Laws of Utah 2020, Chapter 339
47 **58-86-203** , as enacted by Laws of Utah 2016, Chapter 294
48 **58-86-204** , as enacted by Laws of Utah 2016, Chapter 294
49 **58-86-205** , as enacted by Laws of Utah 2016, Chapter 294
50 **58-86-206** , as enacted by Laws of Utah 2016, Chapter 294
51 **58-86-301** , as enacted by Laws of Utah 2016, Chapter 294
52 **58-86-302** , as last amended by Laws of Utah 2020, Chapter 339
53 **58-86-401** , as enacted by Laws of Utah 2016, Chapter 294
54 **78A-2-403** , as last amended by Laws of Utah 2019, Chapter 379

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

57 Section 1. Section **58-1-301.5** is amended to read:

58 **58-1-301.5. Division access to Bureau of Criminal Identification records -- Criminal
background check requirement.**

72 (1) As used in this section, "applicant" means an individual applying for licensure or certification,
 or with respect to a license or certification, applying for renewal, reinstatement, or relicensure or
 recertification, as required in:

75 (a) Section 58-5a-302;

76 (b) Section 58-16a-302;

77 (c) Section 58-17b-303;

78 (d) Section 58-17b-304;

79 (e) Section 58-17b-305;

80 (f) Section 58-17b-306;

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- 81 (g) Section 58-24b-302;
82 (h) Section 58-31b-302;
83 (i) Section 58-42a-302;
84 (j) Section 58-44a-302;
85 (k) Section 58-47b-302;
86 (l) Section 58-55-302;
87 (m) Section 58-47b-302.2;
88 (n) Section 58-60-205;
89 (o) Section 58-60-305;
90 (p) Section 58-60-405;
91 (q) Section 58-60-506;
92 (r) Section 58-61-304;
93 (s) Section 58-63-302;
94 [~~(t)~~ Section 58-64-302;]
95 [~~(u)~~] (t) Section 58-67-302;
96 [~~(v)~~] (u) Section 58-68-302;
97 [~~(w)~~] (v) Section 58-69-302;
98 [~~(x)~~] (w) Section 58-70a-302;
99 [~~(y)~~] (x) Section 58-70b-302;
100 [~~(z)~~] (y) Section 58-71-302; or
101 [~~(aa)~~] (z) Section 58-73-302.
- 102 (2) The division shall have direct access to local files maintained by the Bureau of Criminal
Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background
screening of an applicant.
- 105 (3) The division's access to criminal background information under this section:
106 (a) shall meet the requirements of Section 53-10-108; and
107 (b) includes:
108 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed
charges, and charges without a known disposition; and
110 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal
Identification.

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- 112 (4) The division may not disseminate outside of the division any criminal history record information
that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of
Investigation under the criminal background check requirements of this section.
- 116 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
- 117 (a) submit fingerprints in a form acceptable to the division at the time the applicant files a license
application or a registration; and
- 119 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and
the Federal Bureau of Investigation regarding the application.
- 121 (6)
- (a) Upon receiving fingerprints from an applicant in accordance with Subsection (5), the division shall:
- 123 (i) collect from each applicant submitting fingerprints in accordance with this section:
- 124 (A) the fee that the Bureau of Criminal Identification is authorized to collect for the services provided
under Section 53-10-108; and
- 126 (B) the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
obtaining federal criminal history record information;
- 129 (ii) submit from each applicant the fingerprints and the fees described in Subsection (6)(a)(i) to the
Bureau of Criminal Identification; and
- 131 (iii) obtain and retain in division records a signed waiver approved by the Bureau of Criminal
Identification in accordance with Section 53-10-108 for each applicant.
- 133 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by this chapter.
- 135 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification
shall:
- 137 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state and regional
criminal records databases;
- 139 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history
background check; and
- 141 (c) provide the results from the state, regional, and nationwide criminal history background checks to
the division.
- 143 (8)
- (a)

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- (i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required under this section demonstrates, after the applicant is licensed or registered, that the applicant failed to accurately disclose a criminal history, the division may provide notice to the applicant that the license or registration is immediately and automatically revoked.
- 148 (ii) If a massage establishment owner has a criminal conviction or pending criminal charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall deny ~~an~~ the application for registration of a massage establishment.
- 153 (b)
- (i) An individual whose license has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
- 155 (ii) A registered massage establishment for which the registration has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
- 158 (c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 148 Section 2. Section **63G-6a-103** is amended to read:
- 149 **63G-6a-103. Definitions.**
- As used in this chapter:
- 163 (1) "Approved vendor" means a person who has been approved for inclusion on an approved vendor list through the approved vendor list process.
- 165 (2) "Approved vendor list" means a list of approved vendors established under Section 63G-6a-507.
- 167 (3) "Approved vendor list process" means the procurement process described in Section 63G-6a-507.
- 169 (4)
- (a) "Award" means, in relation to a contract, a procurement unit's ~~[selection of]~~ selecting of a vendor to supply a procurement item after the procurement unit engages in:
- 172 (i) a standard procurement process; or
- 173 (ii) an exception to a standard procurement process under Part 8, Exceptions to Procurement Requirements.

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- 178 (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.
- 180 (5) "Bidder" means a person who submits a bid or price quote in response to an invitation for bids.
- 181 (6) "Bidding process" means the procurement process described in Part 6, Bidding.
- 182 (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- (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.
- 185 (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.
- 188 (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- 189 (11) "Conducting procurement unit" means a procurement unit that conducts all aspects of a
procurement:
- 191 (a) except:
- 192 (i) reviewing a solicitation to verify that [it] the solicitation is in proper form; and
- 193 (ii) causing the publication of a notice of a solicitation; and
- 194 (b) including:
- 195 (i) preparing any solicitation document;
- 196 (ii) appointing an evaluation committee;
- 197 (iii) conducting the evaluation process, except the process relating to scores calculated for costs of
proposals;
- 199 (iv) selecting and recommending the person to be awarded a contract;
- 200 (v) negotiating the terms and conditions of a contract, subject to the issuing procurement unit's
approval; and
- 202 (vi) contract administration.
- 203 (12) "Conservation district" means the same as that term is defined in Section 17D-3-102.
- 204 (13) "Construction project":
- 205 (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
- 208

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- (b) does not include services and supplies for the routine, day-to-day operation, repair, or maintenance of an existing public facility.
- 210 (14) "Construction manager/general contractor":
- 211 (a) means a contractor who enters into a contract:
- 212 (i) for the management of a construction project; and
- 213 (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
- 216 (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.
- 220 (15)
- (a) "Construction subcontractor"[:] 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.
- 223 [~~(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;~~]
- 225 (b) "Construction subcontractor" includes a general contractor or specialty contractor licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act~~[:and]~~ .
- 228 (c) "Construction subcontractor" does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor for a construction project.
- 231 (16) "Contract" means an agreement for a procurement.
- 232 (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:
- 235 (a) implementing the contract;
- 236 (b) ensuring compliance with the contract terms and conditions by the conducting procurement unit and the contractor;
- 238 (c) executing change orders;
- 239 (d) processing contract amendments;
- 240 (e) resolving, to the extent practicable, contract disputes;
- 241 (f) curing contract errors and deficiencies;

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- 242 (g) terminating a contract;
- 243 (h) measuring or evaluating completed work and contractor performance;
- 244 (i) computing payments under the contract; and
- 245 (j) closing out a contract.
- 246 (18) "Contractor" means a person who is awarded a contract with a procurement unit.
- 247 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:
- 248 (a) more than one procurement unit; or
- 249 (b) a procurement unit and a cooperative purchasing organization.
- 250 (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.
- 253 (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.
- 256 (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.
- 259 (23) "Days" means calendar days, unless expressly provided otherwise.
- 260 (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.
- 263 (25) "Design professional" means:
- 264 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects Licensing Act;
- 266 (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; or
- 269 (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] .
- 272 [~~(d) an individual certified as a commercial interior designer under Title 58, Chapter 86, State
Certification of Commercial Interior Designers Act.~~]
- 274 (26) "Design professional procurement process" means the procurement process described in Part 15,
Design Professional Services.
- 276 (27) "Design professional services" means:

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- 277 (a) professional services within the scope of the practice of architecture as defined in Section
58-3a-102;
- 279 (b) professional engineering as defined in Section 58-22-102;
- 280 (c) master planning and programming services; or
- 281 (d) professional services within the scope of the practice of landscape architecture, as defined in Section
58-53-102[; ~~or~~] .
- 283 [~~(e) services within the scope of the practice of commercial interior design, as defined in Section
58-86-102.]~~
- 285 (28) "Design-build" means the procurement of design professional services and construction by the use
of a single contract.
- 287 (29) "Division" means the Division of Purchasing and General Services, created in Section 63A-2-101.
- 289 (30) "Educational procurement unit" means:
- 290 (a) a school district;
- 291 (b) a public school, including a local school board or a charter school;
- 292 (c) the Utah Schools for the Deaf and the Blind;
- 293 (d) the Utah Education and Telehealth Network;
- 294 (e) an institution of higher education of the state described in Section 53H-1-102; or
- 295 (f) the State Board of Education.
- 296 (31) "Established catalogue price" means the price included in a catalogue, price list, schedule, or other
form that:
- 298 (a) is regularly maintained by a manufacturer or contractor;
- 299 (b) is published or otherwise available for inspection by customers; and
- 300 (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.
- 303 (32)
- (a) "Executive branch procurement unit" means a department, division, office, bureau, agency, or other
organization within the state executive branch.
- 305 (b) "Executive branch procurement unit" does not include the Colorado River Authority of Utah as
provided in Section 63M-14-210.
- 307 (33) "Facilities division" means the Division of Facilities Construction and Management, created in
Section 63A-5b-301.

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- 309 (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:
- 312 (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
- 314 (b) an adjustment is required by law.
- 315 (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:
- 317 (a) is based on the consumer price index or another commercially acceptable index, source, or formula;
and
- 319 (b) is not based on a percentage of the cost to the contractor.
- 320 (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.
- 323 (37) "Human services procurement item" means a procurement item used to provide services or support
to a child, youth, adult, or family.
- 325 (38)
- (a) "Immaterial error"[:] means an irregularity or abnormality that is:
- 326 (i) a matter of form that does not affect substance; or
- 327 (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.
- 330 [~~(a) means an irregularity or abnormality that is:]~~
- 331 [~~(i) a matter of form that does not affect substance; or]~~
- 332 [~~(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]~~
- 335 (b) "Immaterial error" includes:
- 336 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a professional
license, bond, or insurance certificate;
- 338 (ii) a typographical error;
- 339 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 340 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 342 (39) "Indefinite quantity contract" means a fixed price contract that:

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- 343 (a) is for an indefinite amount of procurement items to be supplied as ordered by a procurement unit;
and
- 345 (b)
- (i) does not require a minimum purchase amount; or
- 346 (ii) provides a maximum purchase limit.
- 347 (40) "Independent procurement unit" means:
- 348 (a)
- (i) a legislative procurement unit;
- 349 (ii) a judicial branch procurement unit;
- 350 (iii) an educational procurement unit;
- 351 (iv) a local governmental procurement unit;
- 352 (v) a conservation district;
- 353 (vi) a local building authority;
- 354 (vii) a special district;
- 355 (viii) a public corporation;
- 356 (ix) a special service district; or
- 357 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 358 (b) the facilities division, but only to the extent of the procurement authority provided under Title 63A,
Chapter 5b, Administration of State Facilities;
- 360 (c) the attorney general, but only to the extent of the procurement authority provided under Title 67,
Chapter 5, Attorney General;
- 362 (d) the Department of Transportation, but only to the extent of the procurement authority provided
under Title 72, Transportation Code;
- 364 (e) the Department of Health and Human Services, but only for the procurement of a human services
procurement item; or
- 366 (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.
- 369 (41)
- (a) "Interlocal entity" means a separate political subdivision created under Title 11, Chapter 13,
Interlocal Cooperation Act.
- 371 (b) "Interlocal entity" does not include a project entity.

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- 372 (42)
- (a) "Invitation for bids"[~~:]~~ means a document used to solicit:
- 373 (i) bids to provide a procurement item to a procurement unit; or
- 374 (ii) quotes for a price of a procurement item provided to a procurement unit.
- 375 [~~(a) means a document used to solicit;~~]
- 376 [~~(i) bids to provide a procurement item to a procurement unit; or]~~
- 377 [~~(ii) quotes for a price of a procurement item to be provided to a procurement unit; and]~~
- 379 (b) "Invitation for bids" includes all documents attached to or incorporated by reference in a document described in Subsection (42)(a).
- 381 (43) "Issuing procurement unit" means a procurement unit that:
- 382 (a) reviews a solicitation to verify that [~~it~~] the solicitation is in proper form;
- 383 (b) causes the notice of a solicitation to be published; and
- 384 (c) negotiates and approves the terms and conditions of a contract.
- 385 (44) "Judicial procurement unit" means:
- 386 (a) the Utah Supreme Court;
- 387 (b) the Utah Court of Appeals;
- 388 (c) the Judicial Council;
- 389 (d) a state judicial district; or
- 390 (e) an office, committee, subcommittee, or other organization within the state judicial branch.
- 392 (45) "Labor hour contract" is a contract under which:
- 393 (a) the supplies and materials are not provided by, or through, the contractor; and
- 394 (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.
- 396 (46) "Legislative procurement unit" means:
- 397 (a) the Legislature;
- 398 (b) the Senate;
- 399 (c) the House of Representatives;
- 400 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 401 (e) a committee, subcommittee, commission, or other organization:
- 402 (i) within the state legislative branch; or
- 403 (ii)

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- (A) that is created by statute to advise or make recommendations to the Legislature;
- 405 (B) the membership of which includes legislators; and
- 406 (C) for which the Office of Legislative Research and General Counsel provides staff support.
- 408 (47) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 409 (48) "Local government procurement unit" means:
- 410 (a) a county, municipality, interlocal entity, or project entity, and each office of the county,
municipality, interlocal entity, or project entity, unless:
- 412 (i) the county or municipality adopts a procurement code by ordinance;
- 413 (ii) the interlocal entity adopts procurement rules or policies as provided in Subsection 11-13-226(2); or
- 415 (iii) the project entity adopts a procurement code through the process described in Section 11-13-316;
- 417 (b)
- (i) a county or municipality that has adopted this entire chapter by ordinance, and each office or agency
of that county or municipality; and
- 419 (ii) a project entity that has adopted this entire chapter through the process described in Subsection
11-13-316; or
- 421 (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:
- 423 (i) a term in the ordinance is used in the adopted chapter; or
- 424 (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.
- 426 (49) "Multiple award contracts" means the award of a contract for an indefinite quantity of a
procurement item to more than one person.
- 428 (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.
- 431 (51) "Municipality" means a city or town.
- 432 (52) "Nonadopting local government procurement unit" means:
- 433 (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
- 436 (b) each office or agency of a county or municipality described in Subsection (52)(a).
- 437 (53) "Offeror" means a person who submits a proposal in response to a request for proposals.

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- 439 (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference under the
requirements of this chapter.
- 441 (55) "Procure" means to acquire a procurement item through a procurement.
- 442 (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.
- 445 (57) "Procurement item" means an item of personal property, a technology, a service, or a construction
project.
- 447 (58) "Procurement official" means:
- 448 (a) for a procurement unit other than an independent procurement unit, the chief procurement officer;
- 450 (b) for a legislative procurement unit, the individual, individuals, or body designated in a policy adopted
by the Legislative Management Committee;
- 452 (c) for a judicial procurement unit, the Judicial Council or an individual or body designated by the
Judicial Council by rule;
- 454 (d) for a local government procurement unit:
- 455 (i) the legislative body of the local government procurement unit; or
- 456 (ii) an individual or body designated by the local government procurement unit;
- 457 (e) for a special district, the board of trustees of the special district or the board of trustees' designee;
- 459 (f) for a special service district, the governing body of the special service district or the governing
body's designee;
- 461 (g) for a local building authority, the board of directors of the local building authority or the board of
directors' designee;
- 463 (h) for a conservation district, the board of supervisors of the conservation district or the board of
supervisors' designee;
- 465 (i) for a public corporation, the board of directors of the public corporation or the board of directors'
designee;
- 467 (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;
- 469 (k) for a charter school, the individual or body with executive authority over the charter school or the
designee of the individual or body;

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- (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;
- 473 (m) for the State Board of Education, the State Board of Education or the State Board of Education's designee;
- 475 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or the designee of the Commissioner of Higher Education;
- 477 (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
- 480 (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, Chapter 5b, Administration of State Facilities, the director of the facilities division or the director's designee;
- 484 (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;
- 488 (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;
- 493 (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
- 497 (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.
- 504 (59) "Procurement unit" means:
- 505 (a) a legislative procurement unit;

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- 506 (b) an executive branch procurement unit;
- 507 (c) a judicial procurement unit;
- 508 (d) an educational procurement unit;
- 509 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 510 (f) a local government procurement unit;
- 511 (g) a special district;
- 512 (h) a special service district;
- 513 (i) a local building authority;
- 514 (j) a conservation district; or
- 515 (k) a public corporation.
- 516 (60) "Professional service" means labor, effort, or work that requires specialized knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 518 (a) accounting;
- 519 (b) administrative law judge service;
- 520 (c) architecture;
- 521 (d) construction design and management;
- 522 (e) engineering;
- 523 (f) financial services;
- 524 (g) information technology;
- 525 (h) the law;
- 526 (i) medicine;
- 527 (j) psychiatry; or
- 528 (k) underwriting.
- 529 (61) "Project entity" means the same as that term is defined in Section 11-13-103.
- 530 (62) "Protest officer" means:
- 531 (a) for the division or an independent procurement unit:
- 532 (i) the procurement official;
- 533 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 535 (iii) a person designated by rule made by the rulemaking authority; or
- 536 (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[-].

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- 539 (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 540 (64) "Public entity" means the state or any other governmental entity within the state that expends
public funds.
- 542 (65) "Public facility" means a building, structure, infrastructure, improvement, or other facility of a
public entity.
- 544 (66) "Public funds" means money, regardless of its source, including from the federal government, that
is owned or held by a procurement unit.
- 546 (67) "Public transit district" means a public transit district organized under Title 17B, Chapter 2a, Part
8, Public Transit District Act.
- 548 (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.
- 553 (69) "Qualified vendor" means a vendor who:
- 554 (a) is responsible; and
- 555 (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.
- 558 (70) "Real property" means land and any building, fixture, improvement, appurtenance, structure, or
other development that is permanently affixed to land.
- 560 (71) "Request for information" means a nonbinding process through which a procurement unit requests
information relating to a procurement item.
- 562 (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.
- 565 (73) "Request for proposals process" means the procurement process described in Part 7, Request for
Proposals.
- 567 (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.

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- 571 (75) "Requirements contract" means a contract:
- 572 (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
- 575 (b) that:
- 576 (i) does not require a minimum purchase amount; or
- 577 (ii) provides a maximum purchase limit.
- 578 (76) "Responsible" means being capable, in all respects, of:
- 579 (a) meeting all the requirements of a solicitation; and
- 580 (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.
- 583 (77) "Responsive" means conforming in all material respects to the requirements of a solicitation.
- 585 (78) "Rule" [~~includes~~] means 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.
- 588 (79) "Rulemaking authority" means:
- 589 (a) for a legislative procurement unit, the Legislative Management Committee;
- 590 (b) for a judicial procurement unit, the Judicial Council;
- 591 (c)
- (i) only to the extent of the procurement authority expressly granted to the procurement unit by statute:
- 593 (A) for the facilities division, the facilities division;
- 594 (B) for the Office of the Attorney General, the attorney general;
- 595 (C) for the Department of Transportation created in Section 72-1-201, the executive director of the
Department of Transportation;
- 597 (D) for the Department of Health and Human Services, the executive director of the Department of
Health and Human Services; and
- 599 (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
- 602 (ii) for each other executive branch procurement unit, the board;
- 603 (d) for a local government procurement unit:
- 604 (i) the governing body of the local government unit; or

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- 605 (ii) an individual or body designated by the local government procurement unit;
- 606 (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;
- 609 (f) for an institution of higher education, the Utah Board of Higher Education;
- 610 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the State Board of
Education;
- 612 (h) for a public transit district, the chief executive of the public transit district;
- 613 (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:
- 617 (i) with respect to a subject addressed by board rules; or
- 618 (ii) that are in addition to board rules;
- 619 (j) for the Utah Educational Savings Plan, created in Section 53H-10-202, the Utah Board of Higher
Education;
- 621 (k) for the School and Institutional Trust Lands Administration, created in Section 53C-1-201, the
School and Institutional Trust Lands Board of Trustees;
- 623 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the School and
Institutional Trust Fund Board of Trustees;
- 625 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the Utah
Communications Authority board, created in Section 63H-7a-203; or
- 627 (n) for any other procurement unit, the board.
- 628 (80)
- (a) "Service"[:] means labor, effort, or work to produce a result that is beneficial to a procurement unit.
- 630 [(a) means labor, effort, or work to produce a result that is beneficial to a procurement unit;]
- 632 (b) "Service" includes a professional service[:and] .
- 633 (c) "Service" does not include labor, effort, or work provided under an employment agreement or a
collective bargaining agreement.
- 635 (81) "Small purchase process" means the procurement process described in Section 63G-6a-506.
- 637 (82) "Sole source contract" means a contract resulting from a sole source procurement.
- 638

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- (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.
- 641 (84) "Solicitation" means an invitation for bids, request for proposals, or request for statement of qualifications.
- 643 (85) "Solicitation response" means:
- 644 (a) a bid submitted in response to an invitation for bids;
- 645 (b) a proposal submitted in response to a request for proposals; or
- 646 (c) a statement of qualifications submitted in response to a request for statement of qualifications.
- 648 (86) "Special district" means the same as that term is defined in Section 17B-1-102.
- 649 (87) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 650 (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:
- 654 (a) a requirement for inspecting or testing a procurement item; or
- 655 (b) preparing a procurement item for delivery.
- 656 (89) "Standard procurement process" means:
- 657 (a) the bidding process;
- 658 (b) the request for proposals process;
- 659 (c) the approved vendor list process;
- 660 (d) the small purchase process; or
- 661 (e) the design professional procurement process.
- 662 (90) "State cooperative contract" means a contract awarded by the division for and in behalf of all public entities.
- 664 (91) "Statement of qualifications" means a written statement submitted to a procurement unit in response to a request for statement of qualifications.
- 666 (92)
- (a) "Subcontractor"[?] 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.

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- 670 ~~[(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]~~
- 674 (b) "Subcontractor" includes a supplier, distributor, or other vendor that furnishes supplies or services to
 a contractor.
- 676 (93) "Technology" means the same as "information technology," as defined in Section 63A-16-102.
- 678 (94) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in price.
- 680 (95) "Time and materials contract" means a contract under which the contractor is paid:
- 681 (a) the actual cost of direct labor at specified hourly rates;
- 682 (b) the actual cost of materials and equipment usage; and
- 683 (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.
- 685 (96)
- (a) "Transitional costs" means the costs of changing:
- 686 (i) from an existing provider of a procurement item to another provider of that procurement item; or
- 688 (ii) from an existing type of procurement item to another type.
- 689 ~~[(a) means the costs of changing:]~~
- 690 ~~[(i) from an existing provider of a procurement item to another provider of that procurement item; or]~~
- 692 ~~[(ii) from an existing type of procurement item to another type;]~~
- 693 (b) "Transitional costs" includes:
- 694 (i) training costs;
- 695 (ii) conversion costs;
- 696 (iii) compatibility costs;
- 697 (iv) costs associated with system downtime;
- 698 (v) disruption of service costs;
- 699 (vi) staff time necessary to implement the change;
- 700 (vii) installation costs; and
- 701 (viii) ancillary software, hardware, equipment, or construction costs~~[-and] .~~
- 702 (c) "Transitional costs" do not include:
- 703 (i) the costs of preparing for or engaging in a procurement process; or

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704 (ii) contract negotiation or drafting costs.

705 [~~(e) does not include:~~]

706 [~~(i) the costs of preparing for or engaging in a procurement process; or]~~

707 [~~(ii) contract negotiation or drafting costs.~~]

708 (97)

(a) "Vendor"[:] means a person who is seeking to enter into a contract with a procurement unit to provide a procurement item.

710 [~~(a) means a person who is seeking to enter into a contract with a procurement unit to provide a procurement item; and]~~

712 (b) "Vendor" includes:

713 (i) a bidder;

714 (ii) an offeror;

715 (iii) an approved vendor;

716 (iv) a design professional; and

717 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

706 Section 3. **Repealer.**

This Bill Repeals:

707 This bill repeals:

708 Section **58-64-101, Title.**

709 Section **58-64-102, Definitions.**

710 Section **58-64-301, Licensure required -- License classifications.**

711 Section **58-64-302, Qualifications for licensure.**

870 Section **58-74-101, Title.**

712 Section **58-64-303, Term of license -- Expiration -- Renewal.**

872 Section **58-74-301, State certification required.**

713 Section **58-64-304, Exemptions from licensure.**

871 Section **58-74-102, Definitions.**

873 Section **58-74-302, Qualifications for state certification.**

714 Section **58-64-305, Status of licenses held on the effective date of this chapter.**

875 Section **58-74-401, Grounds for denial of state certification -- Disciplinary proceedings.**

715 Section **58-64-401, Grounds for denial of license -- Disciplinary proceedings.**

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- 874 Section **58-74-303, Term of state certification -- Expiration -- Renewal.**
- 876 Section **58-74-501, Unlawful conduct.**
- 716 Section **58-64-501, Unlawful conduct.**
- 717 Section **58-64-502, Unprofessional conduct.**
- 877 Section **58-74-502, Unprofessional conduct.**
- 718 Section **58-64-601, Deception detection instruments.**
- 719 Section **58-64-701, State preemption of local regulation.**
- 720 Section **58-84-101, Title.**
- 721 Section **58-84-102, Definitions.**
- 722 Section **58-84-103, Rulemaking.**
- 723 Section **58-84-201, Qualifications for state certification.**
- 724 Section **58-84-202, Term of state certification.**
- 725 Section **58-84-203, Limitation of state certification.**
- 726 Section **58-84-301, Unlawful conduct.**
- 727 Section **58-86-101, Title and scope.**
- 728 Section **58-86-102, Definitions.**
- 729 Section **58-86-103, Rulemaking.**
- 730 Section **58-86-201, State certification required.**
- 731 Section **58-86-202, Qualifications for state certification.**
- 732 Section **58-86-203, Term of state certification -- Expiration -- Renewal.**
- 733 Section **58-86-204, Continuing education.**
- 734 Section **58-86-205, Grounds for denial of state certification -- Disciplinary proceedings.**
- 735 Section **58-86-206, Exemptions from state certification.**
- 736 Section **58-86-301, Unlawful conduct.**
- 737 Section **58-86-302, Penalty for unlawful conduct.**
- 738 Section **58-86-401, State certification number and signature.**
- 739 Section **78A-2-403, Appointment of court reporters -- Eligibility.**
- 718 ~~{Section 3. Section 77-22-2 is amended to read: }~~
- 719 **77-22-2. Investigations -- Right to subpoena witnesses and require production of evidence -- Contents of subpoena -- Rights of witnesses -- Interrogation before closed court -- Disclosure of information.**

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- 722 (1) As used in this section, "prosecutor" means the same as that term is defined in Section 77-22-4.5.
724 (2)
- (a) In any matter involving the investigation of a crime or malfeasance in office, or any criminal conspiracy or activity, the prosecutor may, upon application and approval of the district court and for good cause shown, conduct a criminal investigation.
- 728 (b) The application and statement of good cause shall state whether another investigative order related to the investigation at issue has been filed in another court.
- 730 (3)
- (a) Subject to the conditions established in Subsection (3)(b), the prosecutor may:
- 731 (i) subpoena ~~[witnesses]~~ a witness;
- 732 (ii) ~~[compel their attendance and testimony under oath to be recorded by a suitable electronic recording device or to be given before any certified court reporter]~~ compel a witness to attend and testify under oath, with testimony recorded by a suitable electronic recording device or taken before a court reporter; and
- 736 (iii) require the production of books, papers, documents, recordings, and any other items that are evidence or may be relevant to the investigation.
- 738 (b) The prosecutor shall:
- 739 (i) apply to the district court for each subpoena; and
- 740 (ii) show that the requested information is reasonably related to the criminal investigation authorized by the court.
- 742 (4)
- (a) The prosecutor shall state in each subpoena:
- 743 (i) the time and place of the examination;
- 744 (ii) that the subpoena is issued in aid of a criminal investigation; and
- 745 (iii) the right of the person subpoenaed to have counsel present.
- 746 (b) ~~[The examination may be conducted anywhere-]~~ The prosecutor may conduct the examination anywhere within the jurisdiction of the prosecutor issuing the subpoena.
- 748 (c) The subpoena need not disclose the names of possible defendants.
- 749 (d) Witness fees and expenses shall be paid as in a civil action.
- 750 (5)

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- (a) At the beginning of each compelled interrogation, the prosecutor shall personally inform each witness:
- 752 (i) of the general subject matter of the investigation;
- 753 (ii) of the privilege to, at any time during the proceeding, refuse to answer any question or produce any evidence of a communicative nature that may result in self-incrimination;
- 756 (iii) that any information provided may be used against the witness in a subsequent criminal proceeding; and
- 758 (iv) of the right to have counsel present.
- 759 (b) If the prosecutor has substantial evidence that the subpoenaed witness has committed a crime that is under investigation, the prosecutor shall:
- 761 (i) inform the witness in person before interrogation of that witness's target status; and
- 762 (ii) inform the witness of the nature of the charges under consideration against the witness.
- 764 (6)
- (a)
- (i) The prosecutor may make written application to any district court showing a reasonable likelihood that publicly releasing information about the identity of a witness or the substance of the evidence resulting from a subpoena or interrogation would pose a threat of harm to a person or otherwise impede the investigation.
- 769 (ii) Upon a finding of reasonable likelihood, the court may order the:
- 770 (A) interrogation of a witness be held in secret;
- 771 (B) occurrence of the interrogation and other subpoenaing of evidence, the identity of the person subpoenaed, and the substance of the evidence obtained be kept secret; and
- 774 (C) record of testimony and other subpoenaed evidence be kept secret unless the court for good cause otherwise orders.
- 776 (b) After application, the court may by order exclude from any investigative hearing or proceeding any ~~[persons]~~ person except:
- 778 (i) ~~[the attorneys]~~ an attorney representing the state ~~[and members of their staffs]~~ or the state's staff;
- 780 (ii) ~~[persons]~~ an individual who, in the judgment of the ~~[attorneys]~~ attorney representing the state~~[-are]~~ or the state's staff, is reasonably necessary to assist in the investigative process;
- 783 (iii) the court reporter or operator of the electronic recording device; and
- 784 (iv) the attorney for the witness.

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- 785 (c) This chapter does not prevent [~~attorneys~~] an attorney representing the state or [~~members of their~~
staff] the state's staff from disclosing information obtained [~~pursuant to~~] in accordance with this
chapter for the purpose of furthering any official governmental investigation.
- 789 (d)
- (i) If a secrecy order has been granted by the court regarding the interrogation or disclosure of evidence
by a witness under this subsection, and if the court finds a further restriction on the witness is
appropriate, the court may order the witness not to disclose the substance of the witness's testimony
or evidence given by the witness to others.
- 794 (ii) Any order to not disclose made under this subsection shall be served with the subpoena.
- 796 (iii) In an appropriate circumstance the court may order that the witness not disclose the existence of the
investigation to others.
- 798 (iv) Any order under this Subsection (6)(d) [~~must~~] shall be based upon a finding by the court that one or
more of the following risks exist:
- 800 (A) disclosure by the witness would cause destruction of evidence;
- 801 (B) disclosure by the witness would taint the evidence provided by other witnesses;
- 803 (C) disclosure by the witness to a target of the investigation would result in flight or other conduct to
avoid prosecution;
- 805 (D) disclosure by the witness would damage a person's reputation; or
- 806 (E) disclosure by the witness would cause a threat of harm to any person.
- 807 (e)
- (i) If the court imposes an order under Subsection (6)(d) authorizing an instruction to a witness not to
disclose the substance of testimony or evidence provided and the prosecuting agency proves by a
preponderance of the evidence that a witness has violated that order, the court may hold the witness
in contempt.
- 811 (ii) An order of secrecy imposed on a witness under this Subsection (6)(e) may not infringe on the
attorney-client relationship between the witness and the witness's attorney or [~~on~~] another legally
recognized privileged relationship.
- 814 (7)
- (a)
- (i) The prosecutor may submit to any district court a separate written request that the application,
statement of good cause, and the court's order authorizing the investigation be kept secret.

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- 817 (ii) The request for secrecy is a public record under Title 63G, Chapter 2, Government Records
Access and Management Act, but need not contain any information that would compromise any
of the interest listed in Subsection (7)(c).
- 820 (b) With the court's permission, the prosecutor may submit to the court, in camera, any additional
information to support the request for secrecy if necessary to avoid compromising the interests listed
in Subsection (7)(c).
- 823 (c) The court shall consider all information in the application and order authorizing the investigation
and any information received in camera and shall order that all information be placed in the public
file except information that, if disclosed, would pose:
- 827 (i) a substantial risk of harm to a person's safety;
- 828 (ii) a clearly unwarranted invasion of or harm to a person's reputation or privacy; or
- 829 (iii) a serious impediment to the investigation.
- 830 (d) Before granting an order keeping secret documents and other information received under this
section, the court shall narrow the secrecy order as much as reasonably possible in order to preserve
the openness of court records while protecting the interests listed in Subsection (7)(c).

834 ~~{Section 4. Section 78A-2-402 is amended to read: }~~

835 **78A-2-402. Definitions.**

As used in this part[?],

837 ~~[(1) "Certified court reporter" means a state certified court reporter as described in Title 58, Chapter 74,
State Certification of Court Reporters Act.]~~

839 ~~[(2)] "Official court transcriber" means a person certified and authorized in accordance with rules of the
Judicial Council to transcribe into written form an audio or video recording of court proceedings.~~

842 ~~{Section 5. Section 78A-2-404 is amended to read: }~~

843 **78A-2-404. Contract restrictions.**

844 (1)

- (a) Any contract for court reporting services, not related to a particular case or reporting incident, is
prohibited between a court reporter or any other person with whom a court reporter has a principal
and agency relationship and any attorney, party to an action, or party having a financial interest in
an action.
- 848 (b) Negotiating or bidding reasonable fees, equal to all the parties, on a case-by-case basis is not
prohibited.

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850 (2) A [~~certified~~] court reporter is an officer of the court, authorized to administer oaths, [~~whose impartiality shall remain~~] who shall remain impartial beyond question.

852 (3) This section does not apply to the courts or the administrative tribunals of this state.

853 [~~(4) Violation of this section shall be considered unprofessional conduct as provided in Section 58-74-102 and 58-74-502, and shall be grounds for revocation of state certification only.~~]

740 Section 4. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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