

- 26 ▶ addresses application of Utah Procurement Code;
- 27 ▶ addresses audits;
- 28 ▶ provides for internal audits division;
- 29 ▶ addresses requirements for package agency agreements;
- 30 ▶ requires a hearing by a hearing examiner of a department recommendation to not
- 31 renew a license or to revoke a license;
- 32 ▶ modifies operational requirements for a reception center;
- 33 ▶ addresses provisions related to the transfer of retail licenses;
- 34 ▶ authorizes the director to issue or deny issuance of certain permits with the approval
- 35 of the Compliance, Licensing, and Enforcement Subcommittee, and subject to
- 36 revocation or issuance by the Commission;
- 37 ▶ addresses notification of an event to law enforcement;
- 38 ▶ requires the director to issue monthly reports to the commission of the director's
- 39 activities relative to permits;
- 40 ▶ allows certain permittees to change the location of where to store, sell, offer for
- 41 sale, furnish, or allow consumption with the approval of the director and the
- 42 Compliance, Licensing, and Enforcement Subcommittee;
- 43 ▶ ~~H~~→ [addresses] removes ~~←H~~ purposes ~~H~~→ [of] for ~~←H~~ which the commission may
- 43a hold a closed meeting; ~~H~~→ and
- 44 [~~→~~ ~~provides that certain records related to the department or commission are protected~~
- 45 ~~records; and~~] ~~←H~~
- 46 ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2012.

**Utah Code Sections Affected:**

AMENDS:

**32B-2-201**, as last amended by Laws of Utah 2011, Chapters 308 and 334

**32B-2-202**, as last amended by Laws of Utah 2011, Chapter 334

**32B-2-205**, as last amended by Laws of Utah 2011, Chapter 334

**32B-2-206**, as last amended by Laws of Utah 2011, Chapter 336

57           **32B-2-207**, as enacted by Laws of Utah 2010, Chapter 276  
 58           **32B-2-209**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2  
 59           **32B-2-302**, as enacted by Laws of Utah 2010, Chapter 276  
 60           **32B-2-605**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2  
 61           **32B-3-204**, as enacted by Laws of Utah 2010, Chapter 276  
 62           **32B-6-805**, as enacted by Laws of Utah 2011, Chapter 334  
 63           **32B-8a-302 (Effective 07/01/12)**, as enacted by Laws of Utah 2011, Chapter 334  
 64           **32B-8a-303 (Effective 07/01/12)**, as enacted by Laws of Utah 2011, Chapter 334  
 65           **32B-9-201**, as enacted by Laws of Utah 2010, Chapter 276  
 66           **32B-9-202**, as enacted by Laws of Utah 2010, Chapter 276  
 67           **32B-9-204**, as last amended by Laws of Utah 2011, Chapters 307 and 334  
 68           **32B-9-303**, as enacted by Laws of Utah 2010, Chapter 276  
 69           **32B-9-403**, as enacted by Laws of Utah 2010, Chapter 276  
 70           **32B-9-404**, as enacted by Laws of Utah 2010, Chapter 276  
 71           **52-4-205**, as last amended by Laws of Utah 2011, Chapters 46 and 334

72 ~~H→ [—63G-2-305, as last amended by Laws of Utah 2011, Chapters 18, 46, 55, 80, 151, and~~  
 73 ~~161] ←H~~

74           **63I-5-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

75 ENACTS:

76           **32B-2-201.5**, Utah Code Annotated 1953

77           **32B-2-302.5**, Utah Code Annotated 1953

78           **32B-2-210**, Utah Code Annotated 1953

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

81           Section 1. Section **32B-2-201** is amended to read:

82           **32B-2-201. Alcoholic Beverage Control Commission created.**

83           (1) There is created the "Alcoholic Beverage Control Commission." The commission is  
 84 the governing board over the department.

85           (2) (a) The commission is composed of [~~five~~] seven part-time commissioners  
 86 appointed by the governor with the consent of the Senate.

87           (b) No more than [~~three~~] four commissioners may be of the same political party.

522 (1) (a) The laws that govern the Division of Finance are not applicable to the  
523 department in the purchase and sale of an alcoholic product.

524 ~~[(2)(a) The state auditor, or a person appointed by the state auditor, shall annually  
525 audit the department's accounts.]~~

526 ~~[(b) If an audit is conducted by a person appointed by the state auditor, the person shall  
527 make the audit report to the state auditor.]~~

528 ~~[(c) The state auditor shall submit a copy of an audit report to the Legislature by no  
529 later than the January 1 following the close of the fiscal year for which the audit report is  
530 made.]~~

531 (b) The department is exempt from Title 63G, Chapter 6, Utah Procurement Code, for  
532 the purchase of an alcoholic product. The department is subject to Title 63G, Chapter 6, Utah  
533 Procurement Code, for any purchase other than for an alcoholic product.

534 (2) The state auditor shall:

535 (a) select a private person to perform a financial audit of the department's accounts,  
536 subject to the commission approving the private person selected to perform the financial audit;

537 (b) notify the governor of the private person selected to perform the financial audit; and

538 (c) determine the scope and focus of the financial audit in an open meeting of the  
539 commission before the audit commences.

540 (3) ~~Ĥ→ [(a) Biannually]~~ Every two years ~~←Ĥ~~, beginning for fiscal year 2013-14, the state  
540a auditor shall conduct an

541 audit of the department's:

542 ~~Ĥ→ [(i)]~~ (a) ~~←Ĥ~~ management operations, best practices, and efficiency; and

543 ~~Ĥ→ [(ii)]~~ (b) ~~←Ĥ~~ ethics and statutory compliance.

544 ~~Ĥ→ [(b)]~~ (4) ~~←Ĥ~~ In addition to complying with ~~Ĥ→ [Subsection (3)(a)]~~ Subsections (2)  
544a and (3) ~~←Ĥ~~, the state auditor may engage in an

545 activity related to the department or commission allowed under Utah Constitution, Article VII,

546 Section 15 or Title 67, Chapter 3, Auditor.

547 ~~Ĥ→ [(4)]~~ (5) ~~←Ĥ~~ The commission shall forward an audit report issued under Subsection (2)  
547a or (3) to

548 the following by no later than 30 days after the day on which the audit report is made:

549 (a) the governor;

550 (b) the Legislative Management Committee;

551 (c) the director; and

552 (d) the legislative auditor general.

- 925 (ii) return to the reception center licensee's approved locked storage area any:
- 926 (A) opened and unused alcoholic product that is saleable; and
- 927 (B) unopened container of an alcoholic product.
- 928 (c) Except as provided in Subsection (5)(b) with regard to an open or sealed container
- 929 of an alcoholic product not sold or consumed at an event, a reception center licensee:
- 930 (i) shall store the alcoholic product in accordance with Subsection (2); and
- 931 (ii) may use the alcoholic product at more than one event.
- 932 (6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a
- 933 minor in connection with an event at the reception center at which food is not made available.
- 934 (7) A person's willingness to serve an alcoholic product may not be made a condition
- 935 of employment as a server with a reception center licensee.
- 936 (8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic
- 937 product at the licensed premises on any day during the period that:
- 938 (a) begins at 1 a.m.; and
- 939 (b) ends at 9:59 a.m.
- 940 (9) (a) A reception center licensee may not maintain in excess of 30% of its total
- 941 annual receipts from the sale of an alcoholic product, which includes:
- 942 [~~(a)~~] (i) mix for an alcoholic product; or
- 943 [~~(b)~~] (ii) a charge in connection with the furnishing of an alcoholic product.
- 944 (b) A reception center licensee shall report the information necessary to show
- 945 compliance with this Subsection (9) to the department on ~~§~~→ [a quarterly] an annual ←~~§~~ basis.
- 946 (10) A reception center licensee may not sell, offer for sale, or furnish an alcoholic
- 947 product at an event at which a minor is present unless the reception center licensee makes food
- 948 available at all times when an alcoholic product is sold, offered for sale, furnished, or
- 949 consumed during the event.
- 950 (11) (a) Subject to the other provisions of this Subsection (11), a patron may not have
- 951 more than two alcoholic products of any kind at a time before the patron.
- 952 (b) An individual portion of wine is considered to be one alcoholic product under
- 953 Subsection (11)(a).
- 954 (12) (a) A reception center licensee shall supervise and direct a person involved in the
- 955 sale, offer for sale, or furnishing of an alcoholic product.

987 (c) is no larger than 6 feet long and 30 inches wide.

988 (17) (a) A reception center licensee may not have an event on the licensed premises  
989 except pursuant to a contract between a third party host of the event and the reception center  
990 licensee under which the reception center licensee provides an alcoholic product sold, offered  
991 for sale, or furnished at an event.

992 (b) At an event, a reception center licensee may furnish an alcoholic product:

993 (i) without charge to a patron, except that the third party host of the event shall pay for  
994 an alcoholic product furnished at the event; or

995 (ii) with a charge to a patron at the event.

996 (c) The commission may by rule define what constitutes a "third-party host" for  
997 purposes of this Subsection (17) so that a reception center licensee and the third-party host are  
998 not ~~§→ [affiliated with;]~~ ←§ owned by ~~§→ [;]~~ ←§ or operated by the same persons ~~§→ [;]~~ ,  
998a except that the rule shall permit a reception center licensee to host an event for an immediate  
998b family member of the reception center licensee. ←§

999 (18) A reception center licensee shall have culinary facilities that are:

1000 (a) adequate to prepare a full meal; and

1001 (b) (i) located on the licensed premises; or

1002 (ii) under the same control as the reception center licensee.

1003 (19) ~~§→ [A]~~ (a) Except as provided in Subsection (19)(b), a ←§ reception center licensee  
1003a may not operate an event:

1004 ~~§→ [(a)]~~ (i) ←§ that is open to the general public; and

1005 ~~§→ [(b)]~~ (ii) ←§ at which an alcoholic product is sold or offered for sale.

1005a ~~§→~~ (b) A reception center licensee may operate an event described in Subsection (19)(a) if the  
1005b event is hosted:

1005c (i) at the reception center no more frequently than once a calendar year; and

1005d (ii) by a nonprofit organization that is organized and qualified under Section 501(c), Internal  
1005e Revenue Code. ←§

1006 Section 14. Section **32B-8a-302 (Effective 07/01/12)** is amended to read:

1007 **32B-8a-302 (Effective 07/01/12). Application -- Approval process.**

1008 (1) To obtain the transfer of a retail license from a retail licensee, the transferee shall  
1009 file a transfer application with the department that includes:

1010 (a) an application in the form provided by the department;

1011 (b) a statement as to whether the consideration, if any, to be paid to the transferor

1012 includes payment for any or all of the following:

1421 state or local permit.

1422 Section 22. Section **52-4-205** is amended to read:

1423 **52-4-205. Purposes of closed meetings.**

1424 (1) A closed meeting described under Section 52-4-204 may only be held for:

1425 (a) discussion of the character, professional competence, or physical or mental health  
1426 of an individual;

1427 (b) strategy sessions to discuss collective bargaining;

1428 (c) strategy sessions to discuss pending or reasonably imminent litigation;

1429 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,  
1430 including any form of a water right or water shares, if public discussion of the transaction  
1431 would:

1432 (i) disclose the appraisal or estimated value of the property under consideration; or

1433 (ii) prevent the public body from completing the transaction on the best possible terms;

1434 (e) strategy sessions to discuss the sale of real property, including any form of a water  
1435 right or water shares, if:

1436 (i) public discussion of the transaction would:

1437 (A) disclose the appraisal or estimated value of the property under consideration; or

1438 (B) prevent the public body from completing the transaction on the best possible terms;

1439 (ii) the public body previously gave public notice that the property would be offered for  
1440 sale; and

1441 (iii) the terms of the sale are publicly disclosed before the public body approves the  
1442 sale;

1443 (f) discussion regarding deployment of security personnel, devices, or systems;

1444 (g) investigative proceedings regarding allegations of criminal misconduct;

1445 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
1446 relating to the receipt or review of ethics complaints;

1447 (i) as relates to an ethics committee of the Legislature, a purpose permitted under  
1448 Subsection 52-4-204(1)(a)(iii)(B);

1449 (j) as relates to a county legislative body, discussing commercial information as  
1450 defined in Section 59-1-404;

1451 ~~H→ [(k) as relates to the Alcoholic Beverage Control Commission] ←H~~ [issuing a retail  
1451a license

1452 under Title 32B, Alcoholic Beverage Control Act, after receiving public input in a public  
 1453 meeting in support or opposition to the commission issuing the retail license, discussing one or  
 1454 more of the following factors] ~~↔~~ **↔** [~~discussing in a closed meeting:~~] ~~↔~~

1455 [(i) a factor the commission is required to consider under Section 32B-5-203 or that is  
 1456 specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail  
 1457 license at issue;]

1458 [(ii) the availability of a retail license under a quota;]

1459 [(iii) the length of time the applicant has waited for a retail license;]

1460 [(iv) an opening date for the applicant;]

1461 [(v) whether the applicant is a seasonal business;]

1462 [(vi) whether the location of the applicant has been previously licensed or is a new  
 1463 location;]

1464 [(vii) whether the application involves a change of ownership of an existing location;]

1465 [(viii) whether the applicant holds other alcohol licenses at any location;]

1466 [(ix) whether the applicant has a violation history or a pending violation;]

1467 [(x) projected alcohol sales for the applicant as it relates to the extent to which the  
 1468 retail license will be used;]

1469 [(xi) whether the applicant is a small or entrepreneurial business that would benefit the  
 1470 community in which it would be located;]

1471 [(xii) the nature of entertainment the applicant proposes; or]

1472 [(xiii) public input in support or opposition to granting the retail license;]

1473 ~~↔~~ **↔** [(i) commercial information or financial information obtained from a person if  
 1474 disclosure of the information could reasonably be expected to result in unfair competitive  
 1475 injury to the person submitting the information or would impair the ability of the Alcoholic  
 1476 Beverage Control Commission from obtaining necessary information in the future; and  
 1477 — (ii) an audit report and the Alcoholic Beverage Control Commission's response to the  
 1478 audit report until the audit report is made available under Subsection 32B-2-302(4) or  
 1479 32B-2-302.5(5)(d);]

1480 [(H) **(k)** ~~↔~~ **↔** as relates to the Utah Higher Education Assistance Authority and its appointed  
 1481 board of directors, discussing fiduciary or commercial information as defined in Section  
 1482 53B-12-102; or

1483 ~~Ĥ~~→ [(m)] (l) ←Ĥ a purpose for which a meeting is required to be closed under  
 1484 Subsection (2).

1484 (2) The following meetings shall be closed:

1485 (a) a meeting of the Health and Human Services Interim Committee to review a fatality  
 1486 review report described in Subsection 62A-16-301(1)(a), and the responses to the report  
 1487 described in Subsections 62A-16-301(2) and (4); and

1488 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

1489 (i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the  
 1490 responses to the report described in Subsections 62A-16-301(2) and (4); or

1491 (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5).

1492 (3) A public body may not interview a person applying to fill an elected position in a  
 1493 closed meeting.

1494 ~~Ĥ~~→ [Section 23. Section 63G-2-305 is amended to read:

1495 ~~63G-2-305. Protected records.~~

1496 ~~The following records are protected if properly classified by a governmental entity:~~

1497 ~~(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret~~  
 1498 ~~has provided the governmental entity with the information specified in Section 63G-2-309;~~

1499 ~~(2) commercial information or nonindividual financial information obtained from a~~  
 1500 ~~person if:~~

1501 ~~(a) disclosure of the information could reasonably be expected to result in unfair~~  
 1502 ~~competitive injury to the person submitting the information or would impair the ability of the~~  
 1503 ~~governmental entity to obtain necessary information in the future;~~

1504 ~~(b) the person submitting the information has a greater interest in prohibiting access~~  
 1505 ~~than the public in obtaining access; and~~

1506 ~~(c) the person submitting the information has provided the governmental entity with~~  
 1507 ~~the information specified in Section 63G-2-309;~~

1508 ~~(3) commercial or financial information acquired or prepared by a governmental entity~~  
 1509 ~~to the extent that disclosure would lead to financial speculations in currencies, securities, or~~  
 1510 ~~commodities that will interfere with a planned transaction by the governmental entity or cause~~  
 1511 ~~substantial financial injury to the governmental entity or state economy;~~

1512 ~~(4) records the disclosure of which could cause commercial injury to, or confer a~~  
 1513 ~~competitive advantage upon a potential or actual competitor of, a commercial project entity as ←Ĥ~~



1514 ~~H→ defined in Subsection 11-13-103(4);~~  
 1515 ~~—— (5) test questions and answers to be used in future license, certification, registration,~~  
 1516 ~~employment, or academic examinations;~~  
 1517 ~~—— (6) records the disclosure of which would impair governmental procurement~~  
 1518 ~~proceedings or give an unfair advantage to any person proposing to enter into a contract or~~  
 1519 ~~agreement with a governmental entity, except, subject to Subsections (1) and (2), that this~~  
 1520 ~~Subsection (6) does not restrict the right of a person to have access to, once the contract or~~  
 1521 ~~grant has been awarded, a bid, proposal, or application submitted to or by a governmental~~  
 1522 ~~entity in response to:~~  
 1523 ~~—— (a) a request for bids;~~  
 1524 ~~—— (b) a request for proposals;~~  
 1525 ~~—— (c) a grant; or~~  
 1526 ~~—— (d) other similar document;~~  
 1527 ~~—— (7) records that would identify real property or the appraisal or estimated value of real~~  
 1528 ~~or personal property, including intellectual property, under consideration for public acquisition~~  
 1529 ~~before any rights to the property are acquired unless:~~  
 1530 ~~—— (a) public interest in obtaining access to the information outweighs the governmental~~  
 1531 ~~entity's need to acquire the property on the best terms possible;~~  
 1532 ~~—— (b) the information has already been disclosed to persons not employed by or under a~~  
 1533 ~~duty of confidentiality to the entity;~~  
 1534 ~~—— (c) in the case of records that would identify property, potential sellers of the described~~  
 1535 ~~property have already learned of the governmental entity's plans to acquire the property;~~  
 1536 ~~—— (d) in the case of records that would identify the appraisal or estimated value of~~  
 1537 ~~property, the potential sellers have already learned of the governmental entity's estimated value~~  
 1538 ~~of the property; or~~  
 1539 ~~—— (e) the property under consideration for public acquisition is a single family residence~~  
 1540 ~~and the governmental entity seeking to acquire the property has initiated negotiations to acquire~~  
 1541 ~~the property as required under Section 78B-6-505;~~  
 1542 ~~—— (8) records prepared in contemplation of sale, exchange, lease, rental, or other~~  
 1543 ~~compensated transaction of real or personal property including intellectual property, which, if~~  
 1544 ~~disclosed prior to completion of the transaction, would reveal the appraisal or estimated value ←H~~

1545 ~~It~~ of the subject property, unless:

1546 ~~—— (a) the public interest in access outweighs the interests in restricting access, including~~  
1547 ~~the governmental entity's interest in maximizing the financial benefit of the transaction; or~~  
1548 ~~—— (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of~~  
1549 ~~the value of the subject property have already been disclosed to persons not employed by or~~  
1550 ~~under a duty of confidentiality to the entity;~~  
1551 ~~—— (9) records created or maintained for civil, criminal, or administrative enforcement~~  
1552 ~~purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if~~  
1553 ~~release of the records:~~  
1554 ~~—— (a) reasonably could be expected to interfere with investigations undertaken for~~  
1555 ~~enforcement, discipline, licensing, certification, or registration purposes;~~  
1556 ~~—— (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement~~  
1557 ~~proceedings;~~  
1558 ~~—— (c) would create a danger of depriving a person of a right to a fair trial or impartial~~  
1559 ~~hearing;~~  
1560 ~~—— (d) reasonably could be expected to disclose the identity of a source who is not~~  
1561 ~~generally known outside of government and, in the case of a record compiled in the course of~~  
1562 ~~an investigation, disclose information furnished by a source not generally known outside of~~  
1563 ~~government if disclosure would compromise the source; or~~  
1564 ~~—— (e) reasonably could be expected to disclose investigative or audit techniques,~~  
1565 ~~procedures, policies, or orders not generally known outside of government if disclosure would~~  
1566 ~~interfere with enforcement or audit efforts;~~  
1567 ~~—— (10) records the disclosure of which would jeopardize the life or safety of an~~  
1568 ~~individual;~~  
1569 ~~—— (11) records the disclosure of which would jeopardize the security of governmental~~  
1570 ~~property, governmental programs, or governmental recordkeeping systems from damage, theft,~~  
1571 ~~or other appropriation or use contrary to law or public policy;~~  
1572 ~~—— (12) records that, if disclosed, would jeopardize the security or safety of a correctional~~  
1573 ~~facility, or records relating to incarceration, treatment, probation, or parole, that would interfere~~  
1574 ~~with the control and supervision of an offender's incarceration, treatment, probation, or parole;~~  
1575 ~~—— (13) records that, if disclosed, would reveal recommendations made to the Board of ~~It~~~~

1576 ~~Ĥ→ Pardons and Parole by an employee of or contractor for the Department of Corrections, the~~  
 1577 ~~Board of Pardons and Parole, or the Department of Human Services that are based on the~~  
 1578 ~~employee's or contractor's supervision, diagnosis, or treatment of any person within the board's~~  
 1579 ~~jurisdiction;~~  
 1580 ~~———(14) records and audit workpapers that identify audit, collection, and operational~~  
 1581 ~~procedures and methods used by the State Tax Commission, if disclosure would interfere with~~  
 1582 ~~audits or collections;~~  
 1583 ~~———(15) records of a governmental audit agency relating to an ongoing or planned audit~~  
 1584 ~~until the final audit is released;~~  
 1585 ~~———(16) records prepared by or on behalf of a governmental entity solely in anticipation of~~  
 1586 ~~litigation that are not available under the rules of discovery;~~  
 1587 ~~———(17) records disclosing an attorney's work product, including the mental impressions or~~  
 1588 ~~legal theories of an attorney or other representative of a governmental entity concerning~~  
 1589 ~~litigation;~~  
 1590 ~~———(18) records of communications between a governmental entity and an attorney~~  
 1591 ~~representing, retained, or employed by the governmental entity if the communications would be~~  
 1592 ~~privileged as provided in Section 78B-1-137;~~  
 1593 ~~———(19) (a) (i) personal files of a state legislator, including personal correspondence to or~~  
 1594 ~~from a member of the Legislature; and~~  
 1595 ~~———(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of~~  
 1596 ~~legislative action or policy may not be classified as protected under this section; and~~  
 1597 ~~———(b) (i) an internal communication that is part of the deliberative process in connection~~  
 1598 ~~with the preparation of legislation between:~~  
 1599 ~~———(A) members of a legislative body;~~  
 1600 ~~———(B) a member of a legislative body and a member of the legislative body's staff; or~~  
 1601 ~~———(C) members of a legislative body's staff; and~~  
 1602 ~~———(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of~~  
 1603 ~~legislative action or policy may not be classified as protected under this section;~~  
 1604 ~~———(20) (a) records in the custody or control of the Office of Legislative Research and~~  
 1605 ~~General Counsel, that, if disclosed, would reveal a particular legislator's contemplated~~  
 1606 ~~legislation or contemplated course of action before the legislator has elected to support the ←Ĥ~~

1607 ~~It is the intent of this act to make the legislation or course of action public; and~~  
1608 ~~— (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the~~  
1609 ~~Office of Legislative Research and General Counsel is a public document unless a legislator~~  
1610 ~~asks that the records requesting the legislation be maintained as protected records until such~~  
1611 ~~time as the legislator elects to make the legislation or course of action public;~~  
1612 ~~— (21) research requests from legislators to the Office of Legislative Research and~~  
1613 ~~General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared~~  
1614 ~~in response to these requests;~~  
1615 ~~— (22) drafts, unless otherwise classified as public;~~  
1616 ~~— (23) records concerning a governmental entity's strategy about collective bargaining or~~  
1617 ~~pending litigation;~~  
1618 ~~— (24) records of investigations of loss occurrences and analyses of loss occurrences that~~  
1619 ~~may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the~~  
1620 ~~Uninsured Employers' Fund, or similar divisions in other governmental entities;~~  
1621 ~~— (25) records, other than personnel evaluations, that contain a personal recommendation~~  
1622 ~~concerning an individual if disclosure would constitute a clearly unwarranted invasion of~~  
1623 ~~personal privacy, or disclosure is not in the public interest;~~  
1624 ~~— (26) records that reveal the location of historic, prehistoric, paleontological, or~~  
1625 ~~biological resources that if known would jeopardize the security of those resources or of~~  
1626 ~~valuable historic, scientific, educational, or cultural information;~~  
1627 ~~— (27) records of independent state agencies if the disclosure of the records would~~  
1628 ~~conflict with the fiduciary obligations of the agency;~~  
1629 ~~— (28) records of an institution within the state system of higher education defined in~~  
1630 ~~Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,~~  
1631 ~~retention decisions, and promotions, which could be properly discussed in a meeting closed in~~  
1632 ~~accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of~~  
1633 ~~the final decisions about tenure, appointments, retention, promotions, or those students~~  
1634 ~~admitted, may not be classified as protected under this section;~~  
1635 ~~— (29) records of the governor's office, including budget recommendations, legislative~~  
1636 ~~proposals, and policy statements, that if disclosed would reveal the governor's contemplated~~  
1637 ~~policies or contemplated courses of action before the governor has implemented or rejected~~ ←H

1638 ~~It~~→ those policies or courses of action or made them public;

1639 ——— (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis;

1640 revenue estimates, and fiscal notes of proposed legislation before issuance of the final

1641 recommendations in these areas;

1642 ——— (31) records provided by the United States or by a government entity outside the state

1643 that are given to the governmental entity with a requirement that they be managed as protected

1644 records if the providing entity certifies that the record would not be subject to public disclosure

1645 if retained by it;

1646 ——— (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body

1647 except as provided in Section 52-4-206;

1648 ——— (33) records that would reveal the contents of settlement negotiations but not including

1649 final settlements or empirical data to the extent that they are not otherwise exempt from

1650 disclosure;

1651 ——— (34) memoranda prepared by staff and used in the decision-making process by an

1652 administrative law judge, a member of the Board of Pardons and Parole, or a member of any

1653 other body charged by law with performing a quasi-judicial function;

1654 ——— (35) records that would reveal negotiations regarding assistance or incentives offered

1655 by or requested from a governmental entity for the purpose of encouraging a person to expand

1656 or locate a business in Utah, but only if disclosure would result in actual economic harm to the

1657 person or place the governmental entity at a competitive disadvantage, but this section may not

1658 be used to restrict access to a record evidencing a final contract;

1659 ——— (36) materials to which access must be limited for purposes of securing or maintaining

1660 the governmental entity's proprietary protection of intellectual property rights including patents,

1661 copyrights, and trade secrets;

1662 ——— (37) the name of a donor or a prospective donor to a governmental entity, including an

1663 institution within the state system of higher education defined in Section 53B-1-102, and other

1664 information concerning the donation that could reasonably be expected to reveal the identity of

1665 the donor, provided that:

1666 ——— (a) the donor requests anonymity in writing;

1667 ——— (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

1668 classified protected by the governmental entity under this Subsection (37); and ←It

1669 ~~H→~~ (c) ~~except for an institution within the state system of higher education defined in~~  
1670 ~~Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged~~  
1671 ~~in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority~~  
1672 ~~over the donor, a member of the donor's immediate family, or any entity owned or controlled~~  
1673 ~~by the donor or the donor's immediate family;~~  
1674 ~~—— (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and~~  
1675 ~~73-18-13;~~  
1676 ~~—— (39) a notification of workers' compensation insurance coverage described in Section~~  
1677 ~~34A-2-205;~~  
1678 ~~—— (40) (a) the following records of an institution within the state system of higher~~  
1679 ~~education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,~~  
1680 ~~or received by or on behalf of faculty, staff, employees, or students of the institution:~~  
1681 ~~—— (i) unpublished lecture notes;~~  
1682 ~~—— (ii) unpublished notes, data, and information:~~  
1683 ~~—— (A) relating to research; and~~  
1684 ~~—— (B) of:~~  
1685 ~~—— (I) the institution within the state system of higher education defined in Section~~  
1686 ~~53B-1-102; or~~  
1687 ~~—— (H) a sponsor of sponsored research;~~  
1688 ~~—— (iii) unpublished manuscripts;~~  
1689 ~~—— (iv) creative works in process;~~  
1690 ~~—— (v) scholarly correspondence; and~~  
1691 ~~—— (vi) confidential information contained in research proposals;~~  
1692 ~~—— (b) Subsection (40)(a) may not be construed to prohibit disclosure of public~~  
1693 ~~information required pursuant to Subsection 53B-16-302(2)(a) or (b); and~~  
1694 ~~—— (c) Subsection (40)(a) may not be construed to affect the ownership of a record;~~  
1695 ~~—— (41) (a) records in the custody or control of the Office of Legislative Auditor General~~  
1696 ~~that would reveal the name of a particular legislator who requests a legislative audit prior to the~~  
1697 ~~date that audit is completed and made public; and~~  
1698 ~~—— (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the~~  
1699 ~~Office of the Legislative Auditor General is a public document unless the legislator asks that ←H~~

1700 ~~H~~→ the records in the custody or control of the Office of Legislative Auditor General that would  
 1701 reveal the name of a particular legislator who requests a legislative audit be maintained as  
 1702 protected records until the audit is completed and made public;  
 1703 ~~—— (42) records that provide detail as to the location of an explosive, including a map or~~  
 1704 ~~other document that indicates the location of:~~  
 1705 ~~—— (a) a production facility; or~~  
 1706 ~~—— (b) a magazine;~~  
 1707 ~~—— (43) information:~~  
 1708 ~~—— (a) contained in the statewide database of the Division of Aging and Adult Services~~  
 1709 ~~created by Section 62A-3-311.1; or~~  
 1710 ~~—— (b) received or maintained in relation to the Identity Theft Reporting Information~~  
 1711 ~~System (IRIS) established under Section 67-5-22;~~  
 1712 ~~—— (44) information contained in the Management Information System and Licensing~~  
 1713 ~~Information System described in Title 62A, Chapter 4a, Child and Family Services;~~  
 1714 ~~—— (45) information regarding National Guard operations or activities in support of the~~  
 1715 ~~National Guard's federal mission;~~  
 1716 ~~—— (46) records provided by any pawn or secondhand business to a law enforcement~~  
 1717 ~~agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and~~  
 1718 ~~Secondhand Merchandise Transaction Information Act;~~  
 1719 ~~—— (47) information regarding food security, risk, and vulnerability assessments performed~~  
 1720 ~~by the Department of Agriculture and Food;~~  
 1721 ~~—— (48) except to the extent that the record is exempt from this chapter pursuant to Section~~  
 1722 ~~63G-2-106, records related to an emergency plan or program, a copy of which is provided to or~~  
 1723 ~~prepared or maintained by the Division of Emergency Management, and the disclosure of~~  
 1724 ~~which would jeopardize:~~  
 1725 ~~—— (a) the safety of the general public; or~~  
 1726 ~~—— (b) the security of:~~  
 1727 ~~—— (i) governmental property;~~  
 1728 ~~—— (ii) governmental programs; or~~  
 1729 ~~—— (iii) the property of a private person who provides the Division of Emergency~~  
 1730 ~~Management information; ←H~~

1731 ~~Ĥ→~~ (49) records of the Department of Agriculture and Food relating to the National  
 1732 Animal Identification System or any other program that provides for the identification, tracing,  
 1733 or control of livestock diseases, including any program established under Title 4, Chapter 24,  
 1734 Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and  
 1735 Quarantine;  
 1736 ——— (50) as provided in Section 26-39-501:  
 1737 ——— (a) information or records held by the Department of Health related to a complaint  
 1738 regarding a child care program or residential child care which the department is unable to  
 1739 substantiate; and  
 1740 ——— (b) information or records related to a complaint received by the Department of Health  
 1741 from an anonymous complainant regarding a child care program or residential child care;  
 1742 ——— (51) unless otherwise classified as public under Section 63G-2-301 and except as  
 1743 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
 1744 personal mobile phone number, if:  
 1745 ——— (a) the individual is required to provide the information in order to comply with a law,  
 1746 ordinance, rule, or order of a government entity; and  
 1747 ——— (b) the subject of the record has a reasonable expectation that this information will be  
 1748 kept confidential due to:  
 1749 ——— (i) the nature of the law, ordinance, rule, or order; and  
 1750 ——— (ii) the individual complying with the law, ordinance, rule, or order;  
 1751 ——— (52) the name, home address, work addresses, and telephone numbers of an individual  
 1752 that is engaged in, or that provides goods or services for, medical or scientific research that is:  
 1753 ——— (a) conducted within the state system of higher education, as defined in Section  
 1754 53B-1-102; and  
 1755 ——— (b) conducted using animals;  
 1756 ——— (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement  
 1757 Private Proposal Program, to the extent not made public by rules made under that chapter;  
 1758 ——— (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
 1759 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
 1760 recommend that the voters retain a judge;  
 1761 ——— (55) information collected and a report prepared by the Judicial Performance ←Ĥ



1762 ~~Ĥ→ Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter~~  
 1763 ~~12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,~~  
 1764 ~~the information or report;~~  
 1765 ~~——— (56) records contained in the Management Information System created in Section~~  
 1766 ~~62A-4a-1003;~~  
 1767 ~~——— (57) records provided or received by the Public Lands Policy Coordinating Office in~~  
 1768 ~~furtherance of any contract or other agreement made in accordance with Section 63J-4-603;~~  
 1769 ~~——— (58) information requested by and provided to the Utah State 911 Committee under~~  
 1770 ~~Section 53-10-602;~~  
 1771 ~~——— (59) recorded Children's Justice Center investigative interviews, both video and audio,~~  
 1772 ~~the release of which are governed by Section 77-37-4;~~  
 1773 ~~——— (60) in accordance with Section 73-10-33:~~  
 1774 ~~——— (a) a management plan for a water conveyance facility in the possession of the Division~~  
 1775 ~~of Water Resources or the Board of Water Resources; or~~  
 1776 ~~——— (b) an outline of an emergency response plan in possession of the state or a county or~~  
 1777 ~~municipality;~~  
 1778 ~~——— (61) the following records in the custody or control of the Office of Inspector General~~  
 1779 ~~of Medicaid Services, created in Section 63J-4a-201:~~  
 1780 ~~——— (a) records that would disclose information relating to allegations of personal~~  
 1781 ~~misconduct, gross mismanagement, or illegal activity of a person if the information or~~  
 1782 ~~allegation cannot be corroborated by the Office of Inspector General of Medicaid Services~~  
 1783 ~~through other documents or evidence, and the records relating to the allegation are not relied~~  
 1784 ~~upon by the Office of Inspector General of Medicaid Services in preparing a final investigation~~  
 1785 ~~report or final audit report;~~  
 1786 ~~——— (b) records and audit workpapers to the extent they would disclose the identity of a~~  
 1787 ~~person who, during the course of an investigation or audit, communicated the existence of any~~  
 1788 ~~Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or~~  
 1789 ~~regulation adopted under the laws of this state, a political subdivision of the state, or any~~  
 1790 ~~recognized entity of the United States, if the information was disclosed on the condition that~~  
 1791 ~~the identity of the person be protected;~~  
 1792 ~~——— (c) before the time that an investigation or audit is completed and the final ←Ĥ~~

1793 ~~It is the intent of this Act that, if an~~  
 1794 ~~investigation or final audit report is released, records or drafts circulated to a person who is not~~  
 1795 ~~an employee or head of a governmental entity for the person's response or information;~~  
 1796 ~~\_\_\_\_\_ (d) records that would disclose an outline or part of any investigation, audit survey~~  
 1797 ~~plan, or audit program; or~~  
 1798 ~~\_\_\_\_\_ (e) requests for an investigation or audit, if disclosure would risk circumvention of an~~  
 1799 ~~investigation or audit;~~  
 1800 ~~\_\_\_\_\_ (62) records that reveal methods used by the Office of Inspector General of Medicaid~~  
 1801 ~~Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or~~  
 1802 ~~abuse;~~  
 1803 ~~\_\_\_\_\_ (63) information provided to the Department of Health or the Division of Occupational~~  
 1804 ~~and Professional Licensing under Subsection 58-68-304(3) or (4); [and]~~  
 1805 ~~\_\_\_\_\_ (64) a record described in Section 63G-12-210[.]; and~~  
 1806 ~~\_\_\_\_\_ (65) a record related to an ethics investigation of the Department of Alcoholic~~  
 1807 ~~Beverage Control or Alcoholic Beverage Control Commission until a public recommendation~~  
 1808 ~~or public sanction is issued.] ←H~~

1808 Section ~~H~~→ [24] 23 ←H . Section 63I-5-201 is amended to read:

1809 **63I-5-201. Internal auditing programs -- State agencies.**

1810 (1) (a) The Departments of Administrative Services, Agriculture, Commerce,  
 1811 Community and Culture, Corrections, Workforce Services, Environmental Quality, Health,  
 1812 Human Services, Natural Resources, Public Safety, and Transportation; and the State Tax  
 1813 Commission shall conduct various types of auditing procedures as determined by the agency  
 1814 head or governor.

1815 (b) The governor may, by executive order, require other state agencies to establish an  
 1816 internal audit program.

1817 (c) An agency head may establish an internal audit program for the agency head's  
 1818 agency if the agency administers programs that:

1819 (i) might pose a high liability risk to the state; or

1820 (ii) are essential to the health, safety, and welfare of the citizens of Utah.

1821 (2) (a) The Office of the Court Administrator shall conduct various types of auditing  
 1822 procedures as determined by the Judicial Council, including auditing procedures for courts not  
 1823 of record.