

# HB0336S01 compared with HB0336

~~{deleted text}~~ shows text that was in HB0336 but was deleted in HB0336S01.

inserted text shows text that was not in HB0336 but was inserted into HB0336S01.

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Representative Ryan D. Wilcox proposes the following substitute bill:

## AMENDMENTS TO ECONOMIC DEVELOPMENT

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ repeals the Utah Pioneer Communities Program Act; and
- ▶ repeals the Rural Broadband Service Account Act~~;~~

~~→ repeals the Government Procurement Private Proposal Program; and~~

~~→ makes technical changes.~~

~~;~~

#### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

#### ~~{~~AMENDS:

- ~~———— 63F-1-205 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapter 347~~
- ~~———— 63G-2-305, as last amended by Laws of Utah 2012, Chapters 331 and 377~~
- ~~———— 63G-6a-303 (Effective 05/01/13), as renumbered and amended by Laws of Utah 2012, Chapter 347~~
- ~~———— 63G-6a-304 (Effective 05/01/13), as renumbered and amended by Laws of Utah 2012, Chapter 347~~
- ~~———— 63G-6a-305 (Effective 05/01/13), as renumbered and amended by Laws of Utah 2012, Chapter 347~~
- ~~———— 63M-1-203, as last amended by Laws of Utah 2008, Chapter 352 and renumbered and amended by Laws of Utah 2008, Chapter 382~~

#### REPEALS:

- ~~———— 63G-6a-711 (Effective 05/01/13), as renumbered and amended by Laws of Utah 2012, Chapter 347~~

#### ~~{~~REPEALS:

- 63M-1-1501, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-1-1502, as last amended by Laws of Utah 2010, Chapter 218
- 63M-1-1503, as last amended by Laws of Utah 2012, Chapter 212
- 63M-1-1504, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-1-1505, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-1-2301, as last amended by Laws of Utah 2010, Chapter 278
- 63M-1-2302, as last amended by Laws of Utah 2010, Chapter 278
- 63M-1-2303, as last amended by Laws of Utah 2011, Chapter 303
- 63M-1-2304, as last amended by Laws of Utah 2010, Chapter 278
- 63M-1-2306, as renumbered and amended by Laws of Utah 2008, Chapter 382
- ~~{ ——— 63M-1-2601, as enacted by Laws of Utah 2008, Chapter 352~~
- ~~———— 63M-1-2602 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapter 347~~
- ~~———— 63M-1-2603 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapter 347~~

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- ~~63M-1-2604~~, as enacted by Laws of Utah 2008, Chapter 352
- ~~63M-1-2605 (Effective 05/01/13)~~, as last amended by Laws of Utah 2012, Chapter 347
- ~~63M-1-2606 (Effective 05/01/13)~~, as last amended by Laws of Utah 2012, Chapter 347
- ~~63M-1-2607 (Effective 05/01/13)~~, as last amended by Laws of Utah 2012, Chapter 347
- ~~63M-1-2608 (Effective 05/01/13)~~, as last amended by Laws of Utah 2012, Chapter 347
- ~~63M-1-2609~~, as enacted by Laws of Utah 2008, Chapter 352
- ~~63M-1-2610 (Effective 05/01/13)~~, as last amended by Laws of Utah 2012, Chapter 347
- ~~63M-1-2611~~, as last amended by Laws of Utah 2010, Chapter 286
- ~~63M-1-2612~~, as last amended by Laws of Utah 2009, Chapter 183

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (i) the executive branch strategic plan;~~

~~—— (ii) the applicable agency information technology plan;~~

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

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

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

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

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

~~—— (ii) related to the executive branch agency's acquisition of any item listed in Subsection~~

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(1):

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

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

~~—— (ii) total cost of system development and conversion effort, including system analysis and programming costs, establishment of master files, testing, documentation, special equipment cost and all other costs, including overhead;~~

~~—— (iii) savings or added operating costs that will result after conversion;~~

~~—— (iv) other advantages or reasons that justify the work;~~

~~—— (v) source of funding of the work, including ongoing costs;~~

~~—— (vi) consistency with budget submissions and planning components of budgets; and~~

~~—— (vii) whether the work is within the scope of projects or initiatives envisioned when the current fiscal year budget was approved.~~

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

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

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

~~—— **63G-2-305. Protected records.**~~

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

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

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

~~—— (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the~~

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~~governmental entity to obtain necessary information in the future;~~

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

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

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

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

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

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

~~—— (a) a request for bids;~~

~~—— (b) a request for proposals;~~

~~—— (c) a grant; or~~

~~—— (d) other similar document;~~

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

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

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

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

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

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

~~—— (8) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:~~

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

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

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

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

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

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

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

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- ~~—— (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;~~
- ~~—— (10) records the disclosure of which would jeopardize the life or safety of an individual;~~
- ~~—— (11) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;~~
- ~~—— (12) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;~~
- ~~—— (13) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;~~
- ~~—— (14) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;~~
- ~~—— (15) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;~~
- ~~—— (16) records that are subject to the attorney-client privilege;~~
- ~~—— (17) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;~~
- ~~—— (18) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and~~
- ~~—— (ii) notwithstanding Subsection (18)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and~~
- ~~—— (b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:~~



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- ~~—— (A) members of a legislative body;~~
- ~~—— (B) a member of a legislative body and a member of the legislative body's staff; or~~
- ~~—— (C) members of a legislative body's staff; and~~
- ~~—— (ii) notwithstanding Subsection (18)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;~~
- ~~—— (19) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and~~
- ~~—— (b) notwithstanding Subsection (19)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;~~
- ~~—— (20) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;~~
- ~~—— (21) drafts, unless otherwise classified as public;~~
- ~~—— (22) records concerning a governmental entity's strategy about:~~
  - ~~—— (a) collective bargaining; or~~
  - ~~—— (b) imminent or pending litigation;~~
- ~~—— (23) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;~~
- ~~—— (24) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;~~
- ~~—— (25) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;~~
- ~~—— (26) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;~~

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

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

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

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

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

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

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

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

~~———(35) materials to which access must be limited for purposes of securing or maintaining~~

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~~the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;~~

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

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

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

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

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

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

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

~~—— (i) unpublished lecture notes;~~

~~—— (ii) unpublished notes, data, and information:~~

~~—— (A) relating to research; and~~

~~—— (B) of:~~

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

~~—— (II) a sponsor of sponsored research;~~

~~—— (iii) unpublished manuscripts;~~

~~—— (iv) creative works in process;~~

~~—— (v) scholarly correspondence; and~~

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- ~~—— (vi) confidential information contained in research proposals;~~
- ~~—— (b) Subsection (39)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and~~
- ~~—— (c) Subsection (39)(a) may not be construed to affect the ownership of a record;~~
- ~~—— (40) (a) records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and~~
- ~~—— (b) notwithstanding Subsection (40)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;~~
- ~~—— (41) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:~~
  - ~~—— (a) a production facility; or~~
  - ~~—— (b) a magazine;~~
- ~~—— (42) information:~~
  - ~~—— (a) contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1; or~~
  - ~~—— (b) received or maintained in relation to the Identity Theft Reporting Information System (IRIS) established under Section 67-5-22;~~
- ~~—— (43) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;~~
- ~~—— (44) information regarding National Guard operations or activities in support of the National Guard's federal mission;~~
- ~~—— (45) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;~~
- ~~—— (46) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;~~
- ~~—— (47) except to the extent that the record is exempt from this chapter pursuant to Section~~

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~~63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:~~

~~—— (a) the safety of the general public; or~~

~~—— (b) the security of:~~

~~—— (i) governmental property;~~

~~—— (ii) governmental programs; or~~

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

~~—— (48) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Control of Animal Disease;~~

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

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

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

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

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

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

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

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

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

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

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~~53B-1-102; and~~

~~—— (b) conducted using animals;~~

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

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

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

~~—— [(55)] (54) records contained in the Management Information System created in Section 62A-4a-1003;~~

~~—— [(56)] (55) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63J-4-603;~~

~~—— [(57)] (56) information requested by and provided to the Utah State 911 Committee under Section 53-10-602;~~

~~—— [(58)] (57) recorded Children's Justice Center investigative interviews, both video and audio, the release of which are governed by Section 77-37-4;~~

~~—— [(59)] (58) in accordance with Section 73-10-33;~~

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

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

~~—— [(60)] (59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63J-4a-201:~~

~~—— (a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied~~

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upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

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

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

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

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

——— [(61)] (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or abuse;

——— [(62)] (61) information provided to the Department of Health or the Division of Occupational and Professional Licensing under Subsection 58-68-304(3) or (4); and

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

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

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

——— Except as otherwise specifically provided in this chapter, the chief procurement officer serves as the central procurement officer of the state and shall:

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

——— (2) procure or supervise each procurement over which the chief procurement officer has authority;

——— (3) establish and maintain programs for the inspection, testing, and acceptance of each procurement item over which the chief procurement officer has authority;

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

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~~state procurement unit;~~

~~—— (5) ensure that:~~

~~—— (a) before approving a procurement not covered by an existing statewide contract for information technology or telecommunications supplies or services, the chief information officer and the agency have stated in writing to the division that the needs analysis required in Section 63F-1-205 was completed[, unless the procurement is approved in accordance with Title 63M, Chapter 1, Part 26, Government Procurement Private Proposal Program]; and~~

~~—— (b) the oversight authority required by Subsection(5)(a) is not delegated outside the division; and~~

~~—— (6) provide training to public procurement units and to persons who do business with public procurement units.~~

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

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

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

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

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

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

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

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

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

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



## HB0336S01 compared with HB0336

### ~~63M-1-203. Powers and duties of director.~~

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

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

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

~~(c) annually prepare and submit to the governor a budget of the office's financial requirements:~~

~~(2) If any federal program requires the expenditure of state funds as a condition to participation by the state in any fund, property, or service, with the governor's approval, the director shall expend whatever funds are necessary out of the money provided by the Legislature for the use of the office.~~

### ~~Section 7.} Repealer.~~

This bill repeals:

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

~~} Section 63M-1-1501, Title.~~

Section 63M-1-1502, Definitions.

Section 63M-1-1503, Advisory board.

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

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

Section 63M-1-2301, Title.

Section 63M-1-2302, Definitions.

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

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

Section 63M-1-2306, Rules.

~~{ Section 63M-1-2601, Title.~~

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

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

~~Section 63M-1-2604, Committee for reviewing proposals -- Appointment --~~

## HB0336S01 compared with HB0336

### ~~Accepting or rejecting proposal:~~

~~—— Section 63M-1-2605 (Effective 05/01/13), Initial proposal -- Requirements:~~

~~—— Section 63M-1-2606 (Effective 05/01/13), Review of initial proposal -- Affected department review:~~

~~—— Section 63M-1-2607 (Effective 05/01/13), Acceptance of initial proposal --~~

### ~~Obtaining detailed proposals:~~

~~—— Section 63M-1-2608 (Effective 05/01/13), Detailed proposal -- Requirements --~~

### ~~Cooperation of affected department:~~

~~—— Section 63M-1-2609, Receipt of detailed proposals -- Economic feasibility report --~~

### ~~Acceptance of a detailed proposal:~~

~~—— Section 63M-1-2610 (Effective 05/01/13), Project agreement:~~

~~—— Section 63M-1-2611, Advisory committee:~~

~~—— Section 63M-1-2612, Private Proposal Restricted Special Revenue Fund -- Fees:~~

### ~~Legislative Review Note~~

~~—— as of 2-18-13 12:28 PM~~

~~————— Office of Legislative Research and General Counsel}~~