

**LEGAL SERVICES AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nelson T. Abbott**

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

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**LONG TITLE**

**General Description:**

This bill enacts and amends provisions related to the legal regulatory sandbox program established by the Utah Supreme Court.

**Highlighted Provisions:**

This bill:

- ▶ creates the Innovations in Legal Services Advisory Council (council) to:
  - study the regulatory sandbox program established by the Utah Supreme Court

(sandbox); and

- report and make recommendations to the Legislature and the Utah Supreme Court related to the council's activities;

- ▶ provides a sunset date for the council;

▶ enacts provisions related to the Office of Legal Services Innovation (office), including provisions related to:

- classification of the office's records; and
- the office's meetings;

- ▶ defines terms; and

- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **52-4-103**, as last amended by Laws of Utah 2022, Chapter 422

32 **52-4-205**, as last amended by Laws of Utah 2022, Chapters 237, 290, 332, 335, 422,  
33 and 478

34 **63G-2-301**, as last amended by Laws of Utah 2020, Chapters 255, 399

35 **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,  
36 335, 388, 391, and 415

37 **63G-2-702**, as last amended by Laws of Utah 2012, Chapter 369

38 **63I-2-263**, as last amended by Laws of Utah 2022, Chapters 63, 209, 240, 242, 264,  
39 354, and 435

40 ENACTS:

41 **63C-29-101**, Utah Code Annotated 1953

42 **63C-29-201**, Utah Code Annotated 1953

43 **63C-29-202**, Utah Code Annotated 1953



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

46 Section 1. Section **52-4-103** is amended to read:

47 **52-4-103. Definitions.**

48 As used in this chapter:

49 (1) "Anchor location" means the physical location from which:

50 (a) an electronic meeting originates; or

51 (b) the participants are connected.

52 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by  
53 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake  
54 City.

55 (3) (a) "Convening" means the calling together of a public body by a person authorized  
56 to do so for the express purpose of discussing or acting upon a subject over which that public  
57 body has jurisdiction or advisory power.

58 (b) "Convening" does not include the initiation of a routine conversation between

59 members of a board of trustees of a large public transit district if the members involved in the  
60 conversation do not, during the conversation, take a tentative or final vote on the matter that is  
61 the subject of the conversation.

62 (4) "Electronic meeting" means a public meeting convened or conducted by means of a  
63 conference using electronic communications.

64 (5) "Electronic message" means a communication transmitted electronically, including:

65 (a) electronic mail;

66 (b) instant messaging;

67 (c) electronic chat;

68 (d) text messaging, as that term is defined in Section 76-4-401; or

69 (e) any other method that conveys a message or facilitates communication  
70 electronically.

71 (6) "Legal sandbox" means the regulatory sandbox program established by the Utah  
72 Supreme Court for authorizing nontraditional legal service providers to practice law on a  
73 limited and temporary basis under Utah Supreme Court Rule of Professional Practice 14-802.

74 [(6)] (7) (a) "Meeting" means the convening of a public body or a specified body, with  
75 a quorum present, including a workshop or an executive session, whether in person or by  
76 means of electronic communications, for the purpose of discussing, receiving comments from  
77 the public about, or acting upon a matter over which the public body or specific body has  
78 jurisdiction or advisory power.

79 (b) "Meeting" does not mean:

80 (i) a chance gathering or social gathering;

81 (ii) a convening of the State Tax Commission to consider a confidential tax matter in  
82 accordance with Section 59-1-405; or

83 (iii) a convening of a three-member board of trustees of a large public transit district as  
84 defined in Section 17B-2a-802 if:

85 (A) the board members do not, during the conversation, take a tentative or final vote on  
86 the matter that is the subject of the conversation; or

87 (B) the conversation pertains only to day-to-day management and operation of the  
88 public transit district.

89 (c) "Meeting" does not mean the convening of a public body that has both legislative

90 and executive responsibilities if:

91 (i) no public funds are appropriated for expenditure during the time the public body is  
92 convened; and

93 (ii) the public body is convened solely for the discussion or implementation of  
94 administrative or operational matters:

95 (A) for which no formal action by the public body is required; or

96 (B) that would not come before the public body for discussion or action.

97 [~~7~~] (8) "Monitor" means to hear or observe, live, by audio or video equipment, all of  
98 the public statements of each member of the public body who is participating in a meeting.

99 [~~8~~] (9) "Participate" means the ability to communicate with all of the members of a  
100 public body, either verbally or electronically, so that each member of the public body can hear  
101 or observe the communication.

102 [~~9~~] (10) (a) "Public body" means:

103 (i) any administrative, advisory, executive, or legislative body of the state or its  
104 political subdivisions that:

105 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

106 (B) consists of two or more persons;

107 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

108 (D) is vested with the authority to make decisions regarding the public's business; [~~or~~]

109 (ii) any administrative, advisory, executive, or policymaking body of an association, as  
110 that term is defined in Section 53G-7-1101, that:

111 (A) consists of two or more persons;

112 (B) expends, disburses, or is supported in whole or in part by dues paid by a public  
113 school or whose employees participate in a benefit or program described in Title 49, Utah State  
114 Retirement and Insurance Benefit Act; and

115 (C) is vested with authority to make decisions regarding the participation of a public  
116 school or student in an interscholastic activity, as that term is defined in Section

117 53G-7-1101[-]; or

118 (iii) the Office of Legal Services Innovation established by the Utah Supreme Court.

119 (b) "Public body" includes:

120 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in

- 121 Section [11-13-103](#);
- 122 (ii) a governmental nonprofit corporation as that term is defined in Section [11-13a-102](#);
- 123 (iii) the Utah Independent Redistricting Commission; and
- 124 (iv) a project entity, as that term is defined in Section [11-13-103](#).
- 125 (c) "Public body" does not include:
- 126 (i) a political party, a political group, or a political caucus;
- 127 (ii) a conference committee, a rules committee, or a sifting committee of the
- 128 Legislature;
- 129 (iii) a school community council or charter trust land council, as that term is defined in
- 130 Section [53G-7-1203](#);
- 131 (iv) a taxed interlocal entity, as that term is defined in Section [11-13-602](#), if the taxed
- 132 interlocal entity is not a project entity; or
- 133 (v) the following Legislative Management subcommittees, which are established in
- 134 Section [36-12-8](#), when meeting for the purpose of selecting or evaluating a candidate to
- 135 recommend for employment, except that the meeting in which a subcommittee votes to
- 136 recommend that a candidate be employed shall be subject to the provisions of this act:
- 137 (A) the Research and General Counsel Subcommittee;
- 138 (B) the Budget Subcommittee; and
- 139 (C) the Audit Subcommittee.
- 140 ~~[(10)]~~ (11) "Public statement" means a statement made in the ordinary course of
- 141 business of the public body with the intent that all other members of the public body receive it.
- 142 ~~[(11)]~~ (12) (a) "Quorum" means a simple majority of the membership of a public body,
- 143 unless otherwise defined by applicable law.
- 144 (b) "Quorum" does not include a meeting of two elected officials by themselves when
- 145 no action, either formal or informal, is taken.
- 146 ~~[(12)]~~ (13) "Recording" means an audio, or an audio and video, record of the
- 147 proceedings of a meeting that can be used to review the proceedings of the meeting.
- 148 ~~[(13)]~~ (14) "Specified body":
- 149 (a) means an administrative, advisory, executive, or legislative body that:
- 150 (i) is not a public body;
- 151 (ii) consists of three or more members; and

152 (iii) includes at least one member who is:

153 (A) a legislator; and

154 (B) officially appointed to the body by the president of the Senate, speaker of the  
155 House of Representatives, or governor; and

156 (b) does not include a body listed in Subsection [~~(9)(c)(ii)~~] [~~or (9)(c)(v)~~] (10)(c)(ii) or  
157 (10)(c)(v).

158 [~~(14)~~] (15) "Transmit" means to send, convey, or communicate an electronic message  
159 by electronic means.

160 Section 2. Section **52-4-205** is amended to read:

161 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed**  
162 **meetings.**

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

164 (a) except as provided in Subsection (3), discussion of the character, professional  
165 competence, or physical or mental health of an individual;

166 (b) strategy sessions to discuss collective bargaining;

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

168 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,  
169 including any form of a water right or water shares, or to discuss a proposed development  
170 agreement, project proposal, or financing proposal related to the development of land owned by  
171 the state, if public discussion would:

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

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

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

176 (i) public discussion of the transaction would:

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

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

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

181 (iii) the terms of the sale are publicly disclosed before the public body approves the  
182 sale;

183 (f) discussion regarding deployment of security personnel, devices, or systems;  
184 (g) investigative proceedings regarding allegations of criminal misconduct;  
185 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
186 relating to the receipt or review of ethics complaints;

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

189 (j) as relates to the Independent Executive Branch Ethics Commission created in  
190 Section 63A-14-202, conducting business relating to an ethics complaint;

191 (k) as relates to a county legislative body, discussing commercial information as  
192 defined in Section 59-1-404;

193 (l) as relates to the Utah Higher Education Assistance Authority and its appointed  
194 board of directors, discussing fiduciary or commercial information as defined in Section  
195 53B-12-102;

196 (m) deliberations, not including any information gathering activities, of a public body  
197 acting in the capacity of:

198 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,  
199 during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;

200 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a  
201 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or

202 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement  
203 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17,  
204 Procurement Appeals Board;

205 (n) the purpose of considering information that is designated as a trade secret, as  
206 defined in Section 13-24-2, if the public body's consideration of the information is necessary to  
207 properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;

208 (o) the purpose of discussing information provided to the public body during the  
209 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of  
210 the meeting:

211 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be  
212 disclosed to a member of the public or to a participant in the procurement process; and

213 (ii) the public body needs to review or discuss the information to properly fulfill its

214 role and responsibilities in the procurement process;

215 (p) as relates to the governing board of a governmental nonprofit corporation, as that  
216 term is defined in Section 11-13a-102, the purpose of discussing information that is designated  
217 as a trade secret, as that term is defined in Section 13-24-2, if:

218 (i) public knowledge of the discussion would reasonably be expected to result in injury  
219 to the owner of the trade secret; and

220 (ii) discussion of the information is necessary for the governing board to properly  
221 discharge the board's duties and conduct the board's business;

222 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board,  
223 to review confidential information regarding violations and security requirements in relation to  
224 the operation of cannabis production establishments; or

225 (r) a purpose for which a meeting is required to be closed under Subsection (2).

226 (2) The following meetings shall be closed:

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

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

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

233 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);

234 (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in  
235 Section 26-7-13, to review and discuss an individual case, as described in Subsection  
236 26-7-13(10);

237 (d) a meeting of a conservation district as defined in Section 17D-3-102 for the  
238 purpose of advising the Natural Resource Conservation Service of the United States  
239 Department of Agriculture on a farm improvement project if the discussed information is  
240 protected information under federal law;

241 (e) a meeting of the Compassionate Use Board established in Section 26-61a-105 for  
242 the purpose of reviewing petitions for a medical cannabis card in accordance with Section  
243 26-61a-105;

244 (f) a meeting of the Colorado River Authority of Utah if:



245 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in  
246 the Colorado River system; and

247 (ii) failing to close the meeting would:

248 (A) reveal the contents of a record classified as protected under Subsection

249 63G-2-305(82);

250 (B) reveal a legal strategy relating to the state's claim to the use of the water in the  
251 Colorado River system;

252 (C) harm the ability of the Colorado River Authority of Utah or river commissioner to  
253 negotiate the best terms and conditions regarding the use of water in the Colorado River  
254 system; or

255 (D) give an advantage to another state or to the federal government in negotiations  
256 regarding the use of water in the Colorado River system;

257 (g) a meeting of the General Regulatory Sandbox Program Advisory Committee if:

258 (i) the purpose of the meeting is to discuss an application for participation in the  
259 regulatory sandbox as defined in Section 63N-16-102; and

260 (ii) failing to close the meeting would reveal the contents of a record classified as  
261 protected under Subsection 63G-2-305(83);

262 (h) a meeting of a project entity if:

263 (i) the purpose of the meeting is to conduct a strategy session to discuss market  
264 conditions relevant to a business decision regarding the value of a project entity asset if the  
265 terms of the business decision are publicly disclosed before the decision is finalized and a  
266 public discussion would:

267 (A) disclose the appraisal or estimated value of the project entity asset under  
268 consideration; or

269 (B) prevent the project entity from completing on the best possible terms a  
270 contemplated transaction concerning the project entity asset;

271 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could  
272 cause commercial injury to, or confer a competitive advantage upon a potential or actual  
273 competitor of, the project entity;

274 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of  
275 which could cause commercial injury to, or confer a competitive advantage upon a potential or

276 actual competitor of, the project entity; or

277 (iv) failing to close the meeting would prevent the project entity from getting the best  
278 price on the market; [~~and~~]

279 (i) a meeting of the School Activity Eligibility Commission, described in Section  
280 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to  
281 consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's  
282 eligibility to participate in an interscholastic activity, as that term is defined in Section  
283 53G-6-1001, including the commission's determinative vote on the student's eligibility[-]; and

284 (j) a meeting of the Office of Legal Services Innovation established by the Utah  
285 Supreme Court, if:

286 (i) the purpose of the meeting is to discuss an application for participation in the legal  
287 sandbox; and

288 (ii) failing to close the meeting would reveal the contents of a record classified as  
289 protected under Section 63G-2-305.

290 (3) In a closed meeting, a public body may not:

291 (a) interview a person applying to fill an elected position;

292 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,  
293 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;  
294 or

295 (c) discuss the character, professional competence, or physical or mental health of the  
296 person whose name was submitted for consideration to fill a midterm vacancy or temporary  
297 absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and  
298 Temporary Absence in Elected Office.

299 Section 3. Section 63C-29-101 is enacted to read:

300 **CHAPTER 29. INNOVATIONS IN LEGAL SERVICES ADVISORY COUNCIL**

301 **Part 1. General Provisions**

302 **63C-29-101. Definitions.**

303 As used in this chapter:

304 (1) "Advisory council" means the Innovations in Legal Services Advisory Council  
305 created in Section 63C-29-201.

306 (2) "Sandbox" means the regulatory sandbox program established by the Utah Supreme

307 Court for authorizing nontraditional legal service providers to practice law on a limited and  
308 temporary basis under Utah Supreme Court Rule of Professional Practice 14-802.

309 Section 4. Section **63C-29-201** is enacted to read:

310 **63C-29-201. Innovations in Legal Services Advisory Council established --**

311 **Purpose -- Membership -- Quorum -- Compensation.**

312 (1) There is created the Innovations in Legal Services Advisory Council consisting of  
313 the following 11 members:

314 (a) two members of the Senate, one of which shall be an attorney, appointed by the  
315 president of the Senate;

316 (b) two members of the House of Representatives, one of which shall be an attorney,  
317 appointed by the speaker of the House of Representatives;

318 (c) three attorneys appointed by the Utah Bar Commission who:

319 (i) are members of the Utah State Bar; and

320 (ii) primarily represent clients in one or more of the following areas of law:

321 (A) criminal law;

322 (B) consumer finance law;

323 (C) divorce and family law;

324 (D) civil litigation involving small businesses;

325 (E) landlord tenant law;

326 (F) workers compensation; or

327 (G) employment law;

328 (d) three attorneys appointed by the Utah Bar Commission who primarily represent one  
329 or more of the following:

330 (i) employers in employment law matters;

331 (ii) companies in debt collection matters;

332 (iii) landlords in landlord tenant matters; or

333 (iv) insurance companies in defense of civil claims;

334 (e) one attorney appointed by the Utah Association for Justice who primarily represents  
335 consumers in personal injury or workers compensation matters;

336 (f) the attorney general, or the attorney general's designee; and

337 (g) two judges appointed by the Utah Supreme Court.

338 (2) Each individual with authority to appoint a member of the advisory council under  
339 Subsection (1) shall make the appointment on or before June 1, 2023.

340 (3) If a vacancy occurs in the membership of the advisory council, a replacement shall  
341 be appointed in the same manner as the vacated member was appointed.

342 (4) (a) The president of the Senate shall designate one of the members appointed under  
343 Subsection (1)(a) to serve as cochair of the advisory council.

344 (b) The speaker of the House of Representatives shall designate one of the members  
345 appointed under Subsection (1)(b) to serve as cochair of the advisory council.

346 (5) (a) A majority of the members of the advisory council constitutes a quorum.

347 (b) The action of a majority of a quorum constitutes an action of the advisory council.

348 (6) (a) Salaries and expenses of the members of the advisory council who are  
349 legislators shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5,  
350 Chapter 3, Legislator Compensation.

351 (b) A member of the advisory council who is not a legislator:

352 (i) may not receive compensation for the member's work associated with the advisory  
353 council; and

354 (ii) may receive per diem and reimbursement for travel expenses incurred as a member  
355 of the advisory council at the rates established by the Division of Finance under:

356 (A) Sections [63A-3-106](#) and [63A-3-107](#); and

357 (B) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

358 (7) The Office of the Attorney General shall provide staff support to the advisory  
359 council.

360 Section 5. Section **63C-29-202** is enacted to read:

361 **63C-29-202. Advisory council duties.**

362 (1) The advisory council shall:

363 (a) study the sandbox; and

364 (b) make recommendations, including for:

365 (i) legislation to provide oversight of non-attorney participants in the sandbox;

366 (ii) funding of the sandbox; and

367 (iii) changes to the sandbox to improve access to justice for citizens of the state while  
368 ensuring that legal services provided by participants in the sandbox are provided to appropriate

369 ethical and quality standards.

370 (2) On or before November 30, 2024, the advisory council shall submit a report that  
371 summarizes the advisory council's activities under Subsection (1), including any  
372 recommendations, to:

- 373 (a) the Judiciary Interim Committee;  
374 (b) the Legislative Management Committee; and  
375 (c) the Utah Supreme Court.

376 Section 6. Section **63G-2-301** is amended to read:

377 **63G-2-301. Public records.**

378 (1) As used in this section:

379 (a) "Business address" means a single address of a governmental agency designated for  
380 the public to contact an employee or officer of the governmental agency.

381 (b) "Business email address" means a single email address of a governmental agency  
382 designated for the public to contact an employee or officer of the governmental agency.

383 (c) "Business telephone number" means a single telephone number of a governmental  
384 agency designated for the public to contact an employee or officer of the governmental agency.

385 (d) "Correctional facility" means the same as that term is defined in Section  
386 [77-16b-102](#).

387 (2) The following records are public except to the extent they contain information  
388 expressly permitted to be treated confidentially under the provisions of Subsections  
389 [63G-2-201](#)(3)(b) and (6)(a):

390 (a) laws;

391 (b) the name, gender, gross compensation, job title, job description, business address,  
392 business email address, business telephone number, number of hours worked per pay period,  
393 dates of employment, and relevant education, previous employment, and similar job  
394 qualifications of a current or former employee or officer of the governmental entity, excluding:

395 (i) undercover law enforcement personnel; and

396 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
397 effectiveness of investigations or endanger any individual's safety;

398 (c) final opinions, including concurring and dissenting opinions, and orders that are  
399 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except

400 that if the proceedings were properly closed to the public, the opinion and order may be  
401 withheld to the extent that they contain information that is private, controlled, or protected;

402 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
403 protected as provided in Subsection [63G-2-305](#)(17) or (18);

404 (e) information contained in or compiled from a transcript, minutes, or report of the  
405 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open  
406 and Public Meetings Act, including the records of all votes of each member of the  
407 governmental entity;

408 (f) judicial records, including records of the Office of Legal Services Innovation  
409 established by the Utah Supreme Court, unless a court orders the records to be restricted under  
410 the rules of civil or criminal procedure or unless the records are private under this chapter;

411 (g) unless otherwise classified as private under Section [63G-2-303](#), records or parts of  
412 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning  
413 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust  
414 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or  
415 other governmental entities that give public notice of:

- 416 (i) titles or encumbrances to real property;
- 417 (ii) restrictions on the use of real property;
- 418 (iii) the capacity of persons to take or convey title to real property; or
- 419 (iv) tax status for real and personal property;

420 (h) records of the Department of Commerce that evidence incorporations, mergers,  
421 name changes, and uniform commercial code filings;

422 (i) data on individuals that would otherwise be private under this chapter if the  
423 individual who is the subject of the record has given the governmental entity written  
424 permission to make the records available to the public;

425 (j) documentation of the compensation that a governmental entity pays to a contractor  
426 or private provider;

427 (k) summary data;

428 (l) voter registration records, including an individual's voting history, except for a voter  
429 registration record or those parts of a voter registration record that are classified as private  
430 under Subsections [63G-2-302](#)(1)(j) through (m) or withheld under Subsection [20A-2-104](#)(7);

431 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
432 available, and email address, if available, where that elected official may be reached as required  
433 in Title 11, Chapter 47, Access to Elected Officials;

434 (n) for a school community council member, a telephone number, if available, and  
435 email address, if available, where that elected official may be reached directly as required in  
436 Section 53G-7-1203;

437 (o) annual audited financial statements of the Utah Educational Savings Plan described  
438 in Section 53B-8a-111; and

439 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
440 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

441 (3) The following records are normally public, but to the extent that a record is  
442 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
443 Section 63G-2-302, 63G-2-304, or 63G-2-305:

444 (a) administrative staff manuals, instructions to staff, and statements of policy;

445 (b) records documenting a contractor's or private provider's compliance with the terms  
446 of a contract with a governmental entity;

447 (c) records documenting the services provided by a contractor or a private provider to  
448 the extent the records would be public if prepared by the governmental entity;

449 (d) contracts entered into by a governmental entity;

450 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
451 by a governmental entity;

452 (f) records relating to government assistance or incentives publicly disclosed,  
453 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a  
454 business in Utah, except as provided in Subsection 63G-2-305(35);

455 (g) chronological logs and initial contact reports;

456 (h) correspondence by and with a governmental entity in which the governmental entity  
457 determines or states an opinion upon the rights of the state, a political subdivision, the public,  
458 or any person;

459 (i) empirical data contained in drafts if:

460 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
461 form; and

- 462           (ii) the governmental entity is given a reasonable opportunity to correct any errors or
- 463 make nonsubstantive changes before release;
- 464           (j) drafts that are circulated to anyone other than:
- 465           (i) a governmental entity;
- 466           (ii) a political subdivision;
- 467           (iii) a federal agency if the governmental entity and the federal agency are jointly
- 468 responsible for implementation of a program or project that has been legislatively approved;
- 469           (iv) a government-managed corporation; or
- 470           (v) a contractor or private provider;
- 471           (k) drafts that have never been finalized but were relied upon by the governmental
- 472 entity in carrying out action or policy;
- 473           (l) original data in a computer program if the governmental entity chooses not to
- 474 disclose the program;
- 475           (m) arrest warrants after issuance, except that, for good cause, a court may order
- 476 restricted access to arrest warrants prior to service;
- 477           (n) search warrants after execution and filing of the return, except that a court, for good
- 478 cause, may order restricted access to search warrants prior to trial;
- 479           (o) records that would disclose information relating to formal charges or disciplinary
- 480 actions against a past or present governmental entity employee if:
- 481           (i) the disciplinary action has been completed and all time periods for administrative
- 482 appeal have expired; and
- 483           (ii) the charges on which the disciplinary action was based were sustained;
- 484           (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
- 485 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
- 486 evidence mineral production on government lands;
- 487           (q) final audit reports;
- 488           (r) occupational and professional licenses;
- 489           (s) business licenses;
- 490           (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar
- 491 records used to initiate proceedings for discipline or sanctions against persons regulated by a
- 492 governmental entity, but not including records that initiate employee discipline; and



493 (u) (i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
494 the operation of a correctional facility or the care and control of inmates committed to the  
495 custody of a correctional facility; and

496 (ii) records that disclose the results of an audit or other inspection assessing a  
497 correctional facility's compliance with a standard, regulation, policy, guideline, or rule  
498 described in Subsection (3)(u)(i).

499 (4) The list of public records in this section is not exhaustive and should not be used to  
500 limit access to records.

501 Section 7. Section **63G-2-305** is amended to read:

502 **63G-2-305. Protected records.**

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

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

506 (2) commercial information or nonindividual financial information obtained from a  
507 person if:

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

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

513 (c) the person submitting the information has provided the governmental entity with  
514 the information specified in Section [63G-2-309](#);

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

519 (4) records, the disclosure of which could cause commercial injury to, or confer a  
520 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
521 defined in Subsection [11-13-103\(4\)](#);

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

524 (6) records, the disclosure of which would impair governmental procurement  
525 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
526 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
527 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
528 grant has been awarded and signed by all parties:

529 (a) a bid, proposal, application, or other information submitted to or by a governmental  
530 entity in response to:

- 531 (i) an invitation for bids;
- 532 (ii) a request for proposals;
- 533 (iii) a request for quotes;
- 534 (iv) a grant; or
- 535 (v) other similar document; or

536 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

537 (7) information submitted to or by a governmental entity in response to a request for  
538 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
539 the right of a person to have access to the information, after:

540 (a) a contract directly relating to the subject of the request for information has been  
541 awarded and signed by all parties; or

542 (b) (i) a final determination is made not to enter into a contract that relates to the  
543 subject of the request for information; and

544 (ii) at least two years have passed after the day on which the request for information is  
545 issued;

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

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

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

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

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

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

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

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

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

571 (10) records created or maintained for civil, criminal, or administrative enforcement  
572 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
573 release of the records:

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

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

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

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

584 (e) reasonably could be expected to disclose investigative or audit techniques,  
585 procedures, policies, or orders not generally known outside of government if disclosure would

586 interfere with enforcement or audit efforts;

587 (11) records the disclosure of which would jeopardize the life or safety of an  
588 individual;

589 (12) records the disclosure of which would jeopardize the security of governmental  
590 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
591 or other appropriation or use contrary to law or public policy;

592 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
593 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
594 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

595 (14) records that, if disclosed, would reveal recommendations made to the Board of  
596 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
597 Board of Pardons and Parole, or the Department of Health and Human Services that are based  
598 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the  
599 board's jurisdiction;

600 (15) records and audit workpapers that identify audit, collection, and operational  
601 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
602 audits or collections;

603 (16) records of a governmental audit agency relating to an ongoing or planned audit  
604 until the final audit is released;

605 (17) records that are subject to the attorney client privilege;

606 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
607 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
608 quasi-judicial, or administrative proceeding;

609 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
610 from a member of the Legislature; and

611 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
612 legislative action or policy may not be classified as protected under this section; and

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

615 (A) members of a legislative body;

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

617 (C) members of a legislative body's staff; and  
618 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
619 legislative action or policy may not be classified as protected under this section;

620 (20) (a) records in the custody or control of the Office of Legislative Research and  
621 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
622 legislation or contemplated course of action before the legislator has elected to support the  
623 legislation or course of action, or made the legislation or course of action public; and

624 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
625 Office of Legislative Research and General Counsel is a public document unless a legislator  
626 asks that the records requesting the legislation be maintained as protected records until such  
627 time as the legislator elects to make the legislation or course of action public;

628 (21) research requests from legislators to the Office of Legislative Research and  
629 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
630 in response to these requests;

631 (22) drafts, unless otherwise classified as public;

632 (23) records concerning a governmental entity's strategy about:

633 (a) collective bargaining; or  
634 (b) imminent or pending litigation;

635 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
636 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
637 Uninsured Employers' Fund, or similar divisions in other governmental entities;

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

641 (26) records that reveal the location of historic, prehistoric, paleontological, or  
642 biological resources that if known would jeopardize the security of those resources or of  
643 valuable historic, scientific, educational, or cultural information;

644 (27) records of independent state agencies if the disclosure of the records would  
645 conflict with the fiduciary obligations of the agency;

646 (28) records of an institution within the state system of higher education defined in  
647 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,

648 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
649 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
650 the final decisions about tenure, appointments, retention, promotions, or those students  
651 admitted, may not be classified as protected under this section;

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

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

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

663 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
664 public body except as provided in Section [52-4-206](#);

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

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

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

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

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

683 (a) the donor requests anonymity in writing;

684 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
685 classified protected by the governmental entity under this Subsection (37); and

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

691 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
692 73-18-13;

693 (39) a notification of workers' compensation insurance coverage described in Section  
694 34A-2-205;

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

698 (i) unpublished lecture notes;

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

700 (A) relating to research; and

701 (B) of:

702 (I) the institution within the state system of higher education defined in Section  
703 53B-1-102; or

704 (II) a sponsor of sponsored research;

705 (iii) unpublished manuscripts;

706 (iv) creative works in process;

707 (v) scholarly correspondence; and

708 (vi) confidential information contained in research proposals;

709 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

710 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and  
711 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
712 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
713 General that would reveal the name of a particular legislator who requests a legislative audit  
714 prior to the date that audit is completed and made public; and  
715 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
716 Office of the Legislative Auditor General is a public document unless the legislator asks that  
717 the records in the custody or control of the Office of the Legislative Auditor General that would  
718 reveal the name of a particular legislator who requests a legislative audit be maintained as  
719 protected records until the audit is completed and made public;  
720 (42) records that provide detail as to the location of an explosive, including a map or  
721 other document that indicates the location of:  
722 (a) a production facility; or  
723 (b) a magazine;  
724 (43) information contained in the statewide database of the Division of Aging and  
725 Adult Services created by Section [62A-3-311.1](#);  
726 (44) information contained in the Licensing Information System described in Title 80,  
727 Chapter 2, Child Welfare Services;  
728 (45) information regarding National Guard operations or activities in support of the  
729 National Guard's federal mission;  
730 (46) records provided by any pawn or secondhand business to a law enforcement  
731 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,  
732 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;  
733 (47) information regarding food security, risk, and vulnerability assessments performed  
734 by the Department of Agriculture and Food;  
735 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
736 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
737 prepared or maintained by the Division of Emergency Management, and the disclosure of  
738 which would jeopardize:  
739 (a) the safety of the general public; or  
740 (b) the security of:



- 741 (i) governmental property;
- 742 (ii) governmental programs; or
- 743 (iii) the property of a private person who provides the Division of Emergency  
744 Management information;
- 745 (49) records of the Department of Agriculture and Food that provides for the  
746 identification, tracing, or control of livestock diseases, including any program established under  
747 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
748 of Animal Disease;
- 749 (50) as provided in Section [26-39-501](#):
- 750 (a) information or records held by the Department of Health and Human Services  
751 related to a complaint regarding a child care program or residential child care which the  
752 department is unable to substantiate; and
- 753 (b) information or records related to a complaint received by the Department of Health  
754 and Human Services from an anonymous complainant regarding a child care program or  
755 residential child care;
- 756 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as  
757 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or  
758 personal mobile phone number, if:
- 759 (a) the individual is required to provide the information in order to comply with a law,  
760 ordinance, rule, or order of a government entity; and
- 761 (b) the subject of the record has a reasonable expectation that this information will be  
762 kept confidential due to:
- 763 (i) the nature of the law, ordinance, rule, or order; and
- 764 (ii) the individual complying with the law, ordinance, rule, or order;
- 765 (52) the portion of the following documents that contains a candidate's residential or  
766 mailing address, if the candidate provides to the filing officer another address or phone number  
767 where the candidate may be contacted:
- 768 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
769 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),  
770 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);
- 771 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or

772 (c) a notice of intent to gather signatures for candidacy, described in Section  
773 [20A-9-408](#);

774 (53) the name, home address, work addresses, and telephone numbers of an individual  
775 that is engaged in, or that provides goods or services for, medical or scientific research that is:  
776 (a) conducted within the state system of higher education, as defined in Section  
777 [53B-1-102](#); and  
778 (b) conducted using animals;

779 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance  
780 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a  
781 judge meets or exceeds minimum performance standards under Subsection [78A-12-203\(4\)](#), and  
782 information disclosed under Subsection [78A-12-203\(5\)\(e\)](#);

783 (55) information collected and a report prepared by the Judicial Performance  
784 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter  
785 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
786 the information or report;

787 (56) records provided or received by the Public Lands Policy Coordinating Office in  
788 furtherance of any contract or other agreement made in accordance with Section [63L-11-202](#);

789 (57) information requested by and provided to the 911 Division under Section  
790 [63H-7a-302](#);

791 (58) in accordance with Section [73-10-33](#):

792 (a) a management plan for a water conveyance facility in the possession of the Division  
793 of Water Resources or the Board of Water Resources; or  
794 (b) an outline of an emergency response plan in possession of the state or a county or  
795 municipality;

796 (59) the following records in the custody or control of the Office of Inspector General  
797 of Medicaid Services, created in Section [63A-13-201](#):

798 (a) records that would disclose information relating to allegations of personal  
799 misconduct, gross mismanagement, or illegal activity of a person if the information or  
800 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
801 through other documents or evidence, and the records relating to the allegation are not relied  
802 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

803 report or final audit report;

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

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

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

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

817 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
818 Services, the fraud unit, or the Department of Health and Human Services, to discover  
819 Medicaid fraud, waste, or abuse;

820 (61) information provided to the Department of Health and Human Services or the  
821 Division of Professional Licensing under Subsections [58-67-304\(3\)](#) and (4) and Subsections  
822 [58-68-304\(3\)](#) and (4);

823 (62) a record described in Section [63G-12-210](#);

824 (63) captured plate data that is obtained through an automatic license plate reader  
825 system used by a governmental entity as authorized in Section [41-6a-2003](#);

826 (64) any record in the custody of the Utah Office for Victims of Crime relating to a  
827 victim, including:

828 (a) a victim's application or request for benefits;

829 (b) a victim's receipt or denial of benefits; and

830 (c) any administrative notes or records made or created for the purpose of, or used to,  
831 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
832 Reparations Fund;

833 (65) an audio or video recording created by a body-worn camera, as that term is

834 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
835 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
836 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
837 that term is defined in Section 62A-2-101, except for recordings that:

838 (a) depict the commission of an alleged crime;  
839 (b) record any encounter between a law enforcement officer and a person that results in  
840 death or bodily injury, or includes an instance when an officer fires a weapon;

841 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
842 a law enforcement officer or law enforcement agency;

843 (d) contain an officer involved critical incident as defined in Subsection  
844 76-2-408(1)(f); or

845 (e) have been requested for reclassification as a public record by a subject or  
846 authorized agent of a subject featured in the recording;

847 (66) a record pertaining to the search process for a president of an institution of higher  
848 education described in Section 53B-2-102, except for application materials for a publicly  
849 announced finalist;

850 (67) an audio recording that is:

851 (a) produced by an audio recording device that is used in conjunction with a device or  
852 piece of equipment designed or intended for resuscitating an individual or for treating an  
853 individual with a life-threatening condition;

854 (b) produced during an emergency event when an individual employed to provide law  
855 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

856 (i) is responding to an individual needing resuscitation or with a life-threatening  
857 condition; and

858 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
859 individual or for treating an individual with a life-threatening condition; and

860 (c) intended and used for purposes of training emergency responders how to improve  
861 their response to an emergency situation;

862 (68) records submitted by or prepared in relation to an applicant seeking a  
863 recommendation by the Research and General Counsel Subcommittee, the Budget  
864 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an

865 employment position with the Legislature;

866 (69) work papers as defined in Section 31A-2-204;

867 (70) a record made available to Adult Protective Services or a law enforcement agency

868 under Section 61-1-206;

869 (71) a record submitted to the Insurance Department in accordance with Section

870 31A-37-201;

871 (72) a record described in Section 31A-37-503;

872 (73) any record created by the Division of Professional Licensing as a result of

873 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

874 (74) a record described in Section 72-16-306 that relates to the reporting of an injury

875 involving an amusement ride;

876 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual

877 on a political petition, or on a request to withdraw a signature from a political petition,

878 including a petition or request described in the following titles:

879 (a) Title 10, Utah Municipal Code;

880 (b) Title 17, Counties;

881 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

882 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

883 (e) Title 20A, Election Code;

884 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in

885 a voter registration record;

886 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a

887 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a

888 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

889 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part

890 5, Victims Guidelines for Prosecutors Act;

891 (79) a record submitted to the Insurance Department under Section 31A-48-103;

892 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is

893 prohibited under Section 63G-26-103;

894 (81) an image taken of an individual during the process of booking the individual into

895 jail, unless:

896 (a) the individual is convicted of a criminal offense based upon the conduct for which  
897 the individual was incarcerated at the time the image was taken;

898 (b) a law enforcement agency releases or disseminates the image:

899 (i) after determining that the individual is a fugitive or an imminent threat to an  
900 individual or to public safety and releasing or disseminating the image will assist in  
901 apprehending the individual or reducing or eliminating the threat; or

902 (ii) to a potential witness or other individual with direct knowledge of events relevant  
903 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an  
904 individual in connection with the criminal investigation or criminal proceeding; or

905 (c) a judge orders the release or dissemination of the image based on a finding that the  
906 release or dissemination is in furtherance of a legitimate law enforcement interest;

907 (82) a record:

908 (a) concerning an interstate claim to the use of waters in the Colorado River system;

909 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
910 representative from another state or the federal government as provided in Section

911 [63M-14-205](#); and

912 (c) the disclosure of which would:

913 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
914 Colorado River system;

915 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
916 negotiate the best terms and conditions regarding the use of water in the Colorado River  
917 system; or

918 (iii) give an advantage to another state or to the federal government in negotiations  
919 regarding the use of water in the Colorado River system;

920 (83) any part of an application described in Section [63N-16-201](#) that the Governor's  
921 Office of Economic Opportunity determines is nonpublic, confidential information that if  
922 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may  
923 not be used to restrict access to a record evidencing a final contract or approval decision;

924 (84) the following records of a drinking water or wastewater facility:

925 (a) an engineering or architectural drawing of the drinking water or wastewater facility;

926 and

927 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the  
 928 drinking water or wastewater facility uses to secure, or prohibit access to, the records described  
 929 in Subsection (84)(a); ~~and~~

930 (85) a statement that an employee of a governmental entity provides to the  
 931 governmental entity as part of the governmental entity's personnel or administrative  
 932 investigation into potential misconduct involving the employee if the governmental entity:

933 (a) requires the statement under threat of employment disciplinary action, including  
 934 possible termination of employment, for the employee's refusal to provide the statement; and

935 (b) provides the employee assurance that the statement cannot be used against the  
 936 employee in any criminal proceeding[-]; and

937 (86) records or parts of records of the Office of Legal Services Innovation established  
 938 by the Utah Supreme Court that contain the name or other identifying information of:

939 (a) a person who participates in the program administered by the Office of Legal  
 940 Services Innovation, and is approved by the Utah Supreme Court to provide legal services;

941 (b) an officer, director, or employee of a person described in Subsection (86)(a);

942 (c) a consumer who receives legal services from a person described in Subsection  
 943 (86)(a); or

944 (d) a case or legal matter a person described in Subsection (86)(a) handles.

945 Section 8. Section **63G-2-702** is amended to read:

946 **63G-2-702. Applicability to the judiciary.**

947 (1) The judiciary is subject to the provisions of this chapter except as provided in this  
 948 section.

949 (2) (a) The judiciary is not subject to Part 4, Appeals, except as provided in Subsection  
 950 (5).

951 (b) The judiciary is not subject to Part 5, State Records Committee, and Part 6,  
 952 Collection of Information and Accuracy of Records.

953 (c) The judiciary is subject to only the following sections in Part 9, Public  
 954 Associations: Sections [63A-12-105](#) and [63A-12-106](#).

955 (3) The Judicial Council, the Administrative Office of the Courts, the courts, the Office  
 956 of Legal Services Innovation established by the Utah Supreme Court, and other administrative  
 957 units in the judicial branch shall designate and classify their records in accordance with

958 Sections 63G-2-301 through 63G-2-305.

959 (4) Substantially consistent with the provisions of this chapter, the Judicial Council  
960 shall:

961 (a) make rules governing requests for access, fees, classification, designation,  
962 segregation, management, retention, denials and appeals of requests for access and retention,  
963 and amendment of judicial records;

964 (b) establish an appellate board to handle appeals from denials of requests for access  
965 and provide that a requester who is denied access by the appellate board may file a lawsuit in  
966 district court; and

967 (c) provide standards for the management and retention of judicial records substantially  
968 consistent with Section 63A-12-103.

969 (5) Rules governing appeals from denials of requests for access shall substantially  
970 comply with the time limits provided in Section 63G-2-204 and Part 4, Appeals.

971 (6) Upon request, the state archivist shall:

972 (a) assist with and advise concerning the establishment of a records management  
973 program in the judicial branch; and

974 (b) as required by the judiciary, provide program services similar to those available to  
975 the executive and legislative branches of government as provided in this chapter and Title 63A,  
976 Chapter 12, Division of Archives and Records Service.

977 Section 9. Section 63I-2-263 is amended to read:

978 **63I-2-263. Repeal dates: Title 63A to Title 63N.**

979 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services  
980 Procurement Advisory Council is repealed July 1, 2025.

981 (2) Section 63A-17-303 is repealed July 1, 2023.

982 [~~3~~] Subsection 63A-17-304(1)(c) is repealed July 1, 2022.]

983 [~~4~~] (3) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology  
984 Commission is repealed July 1, 2023.

985 (4) Title 63C, Chapter 29, Innovations in Legal Services Advisory Council, is repealed  
986 January 1, 2025.

987 [~~5~~] Section 63G-1-502 is repealed July 1, 2022.]

988 [~~6~~] The following sections regarding the World War II Memorial Commission are



989 ~~repealed July 1, 2022.]~~

990 ~~[(a) Section 63G-1-801;]~~

991 ~~[(b) Section 63G-1-802;]~~

992 ~~[(c) Section 63G-1-803; and]~~

993 ~~[(d) Section 63G-1-804.]~~

994 ~~[(7) Title 63H, Chapter 5, Utah State Railroad Museum Authority, is repealed on July~~  
995 ~~1, 2022.]~~

996 ~~[(8)]~~ (5) Section 63H-7a-303 is repealed July 1, 2024.

997 ~~[(9)]~~ (6) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public  
998 safety communications network, is repealed July 1, 2033.

999 ~~[(10)]~~ (7) Subsection [~~63J-1-602.2(44)]~~ 63J-1-602.2(43), which lists appropriations to  
1000 the State Tax Commission for property tax deferral reimbursements, is repealed July 1, 2027.

1001 ~~[(11) Sections 63M-7-213 and 63M-7-213.5 are repealed January 1, 2023.]~~

1002 ~~[(12) Section 63M-7-217 is repealed July 1, 2022.]~~

1003 ~~[(13)]~~ (8) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same  
1004 taxable year as the targeted business income tax credit, is repealed December 31, 2024.

1005 ~~[(14)]~~ (9) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an  
1006 Enterprise Zone, is repealed December 31, 2024.