

SB0228S02 compared with SB0228

~~text~~ shows text that was in SB0228 but was deleted in SB0228S02.

inserted text shows text that was not in SB0228 but was inserted into SB0228S02.

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Senator Daniel McCay proposes the following substitute bill:

PROPERTY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to ~~the disclosure of a sale of nonresidential~~ property.

Highlighted Provisions:

This bill:

- requires ~~an individual who presents a document transferring nonresidential property for recording to file an affidavit disclosing~~, when ownership of certain real property is transferred, the seller or the closing agent make available

information about ~~the sale of~~ the property, including sales price ~~;~~ provides that information

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sor:

- ▶ excludes sales price information shared with the State Tax Commission or the county assessors from the definition of a "private record" for purposes of the Government Records Access and Management Act;
- ▶ authorizes disclosure of the sales price information under certain circumstances;

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- ▶ exempts use of property owned by a state institution of education that operates as a private housing facility from the privilege tax; and
- ▶ makes technical changes.†

†=

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{59-1-404}~~ 59-4-101, as last amended by Laws of Utah ~~{2021, Chapter 367}~~ 2020, Chapter 105

63G-2-202, as last amended by Laws of Utah 2021, Chapter 231

63G-2-302, as last amended by Laws of Utah 2022, Chapters 169, 334

63I-1-257, as last amended by Laws of Utah 2019, Chapter 136

63I-1-263, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236, 249, 274, 296, 313, 361, 362, 417, 419, and 472

ENACTS:

57-3-110, Utah Code Annotated 1953

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

Section 1. Section **57-3-110** is enacted to read:

57-3-110. ~~{ Filing of affidavit disclosing }~~ Disclosure of details of real property transaction.

(1) As used in this section ~~{, "residential"}~~:

(a) "Database" means a private collection of data that:

(i) contains records, including sales prices, for properties purchased and sold in the state of Utah; and

(ii) authorizes access to the information described in Subsection (3)(c) to a county assessor in the state:

(A) at no cost; and

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(B) under terms mutually agreed upon by the county assessors and the database administrator.

(b) "Eminent domain action" means:

(i) the governmental entity acquires the real property by eminent domain; or

(ii) (A) the real property is under threat or imminence of eminent domain proceedings;

and

(B) the governmental entity provides written notice of the eminent domain proceedings to the owner.

(c) "Multicounty Appraisal Trust" means the same as that term is defined in Section 59-2-1601.

(d) "Residential property" means a single-family residence or a two-to-four family residence.

(e) (i) "Sold property" means transfers of ownership of a fee simple interest in real property or a leased fee interest in real property.

(ii) "Sold property" does not include:

(A) residential property;

(B) personal property, even if transferred in the same transaction as real property;

(C) a transfer of property that is subject to assessment under Title 59, Chapter 2, Part 2,

Assessment of Property;

(D) a transfer of ownership resulting from payment in full or forfeiture by a transferee under a recorded real estate contract or a recorded memorandum of real estate contract;

(E) a lease or easement on real property;

(F) a transfer that results from an eminent domain action;

(G) a transfer to quiet title or clear boundary disputes;

(H) a conveyance of real property executed pursuant to court order;

(I) a transfer of an unpatented mining claim;

(J) a transfer solely to provide or release security for a debt or obligation;

(K) a transfer between spouses or parent and child with only nominal actual consideration exchanged;

(L) a sale for delinquent taxes or assessments;

(M) a transfer resulting from a court-ordered partition;

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(N) a transfer arising out of a merger or incorporation;

(O) a transfer by a subsidiary corporation to a parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(P) a transfer from a person to a trustee or from a trustee to a trust beneficiary with only nominal actual consideration exchanged;

(Q) a transfer to or from an intermediary for the purpose of creating a joint tenancy estate or some other form of ownership; or

(R) a transfer to establish a gift or a distribution from an estate of a decedent or trust.

(2) (a) Except as provided in Subsection (2)(b), ~~an individual who presents to the county recorder a document for recording shall file an affidavit signed and completed in accordance with Subsection (3).~~ (b) ~~The affidavit~~ within 10 days after closing on sold property, a closing agent shall provide the declaration described in Subsection (3) to the Multicounty Appraisal Trust.

(b) ~~The closing agent~~ is not required to ~~accompany a document transferring residential property.~~ (3) ~~The affidavit shall:~~ (a) comply with Subsection (2)(a) if:

(i) the seller provides to the closing agent a certification issued by a database that the seller provided the information described in Subsection (3)(c) to the database; and

(ii) the closing agent verifies that the information described in Subsection (3)(c) is available in the database.

(3) The declaration shall:

(a) be on a form approved by the State Tax Commission;

(b) be signed by each buyer or the buyer's authorized agent and each seller or the seller's authorized agent; and

~~(b)(c)~~ include only:

(i) the full ~~names~~ name and current mailing ~~addresses~~ address of each buyer and seller;

(ii) the parcel number(s) of the sold property ~~for which a document was presented for recording~~;

(iii) a legal description of the sold property;

(iv) the square footage or the acreage of the sold property ~~if there has been a recent~~

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survey incident to the transfer and the survey is not recorded;

(v) the amount paid, whether in money or other thing of value, for the sold property ~~};~~

~~(4) (a) The county recorder may not record a document without the filing of the affidavit described in Subsection (3). (b) If an affidavit is not filed, the county recorder shall notify the individual presenting the document that the county recorder may not record the document until the buyer, the buyer's authorized agent, the seller, or the seller's authorized agent files the affidavit. (5) (a) The county recorder may not record the affidavit. (b) The county recorder shall forward the affidavit to};~~ and

(vi) the date of the transfer.

(4) The county assessor may subpoena a seller or a closing agent if the Multicounty Appraisal Trust does not receive the declaration or the county assessor {for inclusion in the database described in Section 59-2-303.1} cannot access the information from the database but may not require the seller or the closing agent to appear in any county other than the county where the subpoena is served.

(5) (a) Except as provided in Subsection (5)(b), a county assessor may not use the information from the declaration as the sole basis for assessing the specific property that is the subject of the declaration.

(b) (i) The county assessor may use the data from the declaration to generate and support market values within the county assessor's jurisdiction and to provide support in response to a property valuation appeal.

(ii) The county assessor may use sales price data from specific sold properties as examples in property valuation appeals before a county board of equalization hearing officer, the county board of equalization, the State Tax Commission, or state court.

Section 2. Section ~~{59-1-404};~~ 59-4-101 is amended to read:

~~{59-1-404. Definitions -- Confidentiality of commercial information obtained from a property taxpayer or derived from the commercial information -- Rulemaking authority};~~ 59-4-101. Tax basis -- Exceptions -- {Written explanation -- Signature requirements -- Retention of signed explanation by employer -- Penalty. (1) As used in this section: (a) (i) "Appraiser" means an individual who holds an appraiser's certificate or license issued by the Division of Real Estate under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act [and]; (ii) "Appraiser" includes

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~~an individual associated with an appraiser who assists the appraiser in preparing an appraisal.~~

~~(b) "Appraisal" [is as] means the same as that term is} Assessment and collection -- Designation of person to receive notice.~~

~~(1) (a) Except as provided in Subsections (1)(b), (1)(c), and (3), a tax is imposed on the possession or other beneficial use enjoyed by any person of any real or personal property that is exempt for any reason from taxation, if that property is used in connection with a business conducted for profit.~~

~~(b) Any interest remaining in the state in state lands after subtracting amounts paid or due in part payment of the purchase price as provided in Subsection 59-2-1103(2)(b)(i) under a contract of sale is subject to taxation under this chapter regardless of whether the property is used in connection with a business conducted for profit.~~

~~(c) The tax imposed under Subsection (1)(a) does not apply to property exempt from taxation under Section 59-2-1114.~~

~~(2) (a) The tax imposed under this chapter is the same amount that the ad valorem property tax would be if the possessor or user were the owner of the property.~~

~~(b) The amount of any payments that are made in lieu of taxes is credited against the tax imposed on the beneficial use of property owned by the federal government.~~

~~(3) A tax is not imposed under this chapter on the following:~~

~~(a) the use of property that is a concession in, or relative to, the use of a public airport, park, fairground, or similar property that is available as a matter of right to the use of the general public;~~

~~(b) the use or possession of property by a religious, educational, or charitable organization;~~

~~(c) the use or possession of property if the revenue generated by the possessor or user of the property through its possession or use of the property inures only to the benefit of a religious, educational, or charitable organization and not to the benefit of any other person;~~

~~(d) the possession or other beneficial use of public land occupied under the terms of an agricultural lease or permit issued by the United States or this state;~~

~~(e) the use or possession of any lease, permit, or easement unless the lease, permit, or easement entitles the lessee or permittee to exclusive possession of the premises to which the~~

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lease, permit, or easement relates:

(f) the use or possession of property by a public agency, as defined in Section 61-2g-102.

~~— (c) (i) "Commercial information" means: (A) information of a commercial nature obtained from a property taxpayer regarding the property taxpayer's property; [or] (B) information from the affidavit described in Section 57-3-110; or [(B)] (C) information derived from the information described in this Subsection (1)(c)(i).~~

~~— (ii) (A) "Commercial information" does not include information regarding a property taxpayer's property if the information is intended for public use.~~

~~— (B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for 11-13-103, to the extent that the ownership interest of the public agency in that property is subject to a fee in lieu of ad valorem property tax under Section 11-13-302; [or]~~

(g) the possession or beneficial use of public property as a tollway by a private entity through a tollway development agreement as defined in Section 72-6-202[-]; or

(h) the use or possession of property primarily for housing or a related service or amenity that supports the mission and role of a state institution of higher education on land owned by the state institution of higher education.

(4) For purposes of Subsection (1)(c)(ii)(A), the commission may by rule [prescribe] provide the circumstances under which information is intended for public use, except that the rule may not provide that the affidavit described in Section 59-3-110 is intended for public use.

~~— (d) "Consultation service" [is as] means the same as that term is defined in Section 61-2g-102.~~

~~— (e) "Locally assessed property" means 3)(e):~~

(a) every lessee, permittee, or other holder of a right to remove or extract the mineral covered by the holder's lease, right permit, or easement, except from brines of the Great Salt Lake, is considered to be in possession of the premises, regardless of whether another party has a similar right to remove or extract another mineral from the same property; and

(b) a lessee, permittee, or holder of an easement still has exclusive possession of the premises if the owner has the right to enter the premises, approve leasehold improvements, or inspect the premises.

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(5) A tax imposed under this chapter is assessed to the possessors or users of the property on the same forms, and collected and distributed at the same time and in the same manner, as taxes assessed owners, possessors, or other claimants of property that is ~~assessed~~ by a county assessor in accordance with Chapter 2, Part 3, County Assessment:

~~—— (f) "Property taxpayer" means a person that: —— (i) is a property owner; or —— (ii) has in effect a contract with a property owner to: —— (A) make filings on behalf of the property owner; —— (B) process appeals on behalf of the property owner; or —— (C) pay a tax under Chapter 2, Property Tax Act, on the property owner's property:~~

~~—— (g) "Property taxpayer's property" means property with respect to which a property taxpayer: —— (i) owns the property; —— (ii) makes filings relating to the property; —— (iii) processes appeals relating to the property; or —— (iv) pays a tax under Chapter 2, Property Tax Act, on the property:~~

~~—— (h) "Protected commercial information" means commercial information that: —— (i) identifies a specific property taxpayer; or —— (ii) would reasonably lead to the identity of a specific property taxpayer:~~

~~—— (2) An individual listed under Subsection 59-1-403(2)(a) may not disclose commercial information: —— (a) obtained in the course of performing any duty that the individual listed under Subsection 59-1-403(2)(a) performs under Chapter 2, Property Tax Act; or —— (b) relating to an action or proceeding: —— (i) with respect to a tax imposed on property in accordance with Chapter 2, Property Tax Act; and —— (ii) that is filed in accordance with: —— (A) this chapter; —— (B) Chapter 2, Property Tax Act; or —— (C) this chapter and Chapter 2, Property Tax Act:~~

~~—— (3) (a) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual listed under Subsection 59-1-403(2)(a) may disclose the following information: —— (i) the assessed value of property; —— (ii) the tax rate imposed on property; —— (iii) a legal description of property; —— (iv) the physical description or characteristics of property, including a street address or parcel number for the property; —— (v) the square footage or acreage of property; —— (vi) the square footage of improvements on property; —— (vii) the name of a property taxpayer; —— (viii) the mailing address of a property taxpayer; —— (ix) the amount of a property tax: —— (A) assessed on property; —— (B) due on property; —— (C) collected on property; —— (D) abated on property; or —— (E) deferred on property; —— (x) the amount of the following relating to property taxes due on property: —— (A) interest; —— (B)~~

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~~costs; or (C) other charges; (xi) the tax status of property, including: (A) an exemption; (B) a property classification; (C) a bankruptcy filing; or (D) whether the property is the subject of an action or proceeding under this title; (xii) information relating to a tax sale of property; or (xiii) information relating to single-family residential property.~~

~~(b) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual listed under Subsection 59-1-403(2)(a) shall disclose, upon request, the information described in Subsection 59-2-1007(9).~~

~~(c) (i) Subject to Subsection (3)(c)(ii), a person may receive the information described in Subsection (3)(a) or (b) in written format.~~

~~(ii) The following may charge a reasonable fee to cover the actual cost of providing the information described in Subsection (3)(a) or (b) in written format: (A) the commission; (B) a county; (C) a city; or (D) a town.~~

~~(4) (a) Notwithstanding Subsection (2) and except as provided in Subsection (4)(c), an individual listed under Subsection 59-1-403(2)(a) shall disclose commercial information:~~

~~(i) in accordance with judicial order; (ii) on behalf of the commission in any action or proceeding: (A) under this title; (B) under another law under which a property taxpayer is required to disclose commercial information; or (C) to which the commission is a party; (iii) on behalf of any party to any action or proceeding under this title if the commercial information is directly involved in the action or proceeding; or (iv) if the requirements of Subsection (4)(b) are met, that is: (A) relevant to an action or proceeding: (I) filed in accordance with this title; and (II) involving property; or (B) in preparation for an action or proceeding involving property.~~

~~(b) Commercial information shall be disclosed; subject to ad valorem property taxation. The tax is not a lien against the property, and no tax-exempt property may be attached, encumbered, sold, or otherwise affected for the collection of the tax.~~

(6) (a) (i) Except as provided in Subsection (6)(a)(ii), if a governmental entity is required under this chapter to send information or notice to a person, the governmental entity shall send the information or notice to:

(A) the person required under the applicable provision of this chapter; and

(B) each person designated in accordance with Subsection ~~(4)(a)(iv)~~: ~~(i) if the~~

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~~commercial information is obtained from:— (A) a real estate agent if the real estate agent is not a property taxpayer of the property that}~~ 6)(b) by the person described in Subsection (6)(a)(i)(A).

(ii) If a governmental entity is required under Section 59-2-919.1 or 59-2-1317 to send information or notice to a person, the governmental entity shall send the information or notice to:

(A) the person required under the applicable section; or

(B) one person designated in accordance with Subsection (6)(b) by the person described in Subsection (6)(a)(ii)(A).

(b) (i) A person to whom a governmental entity is required under this chapter to send information or notice may designate a person to receive the information or notice in accordance with Subsection (6)(a).

(ii) To make a designation described in Subsection (6)(b)(i), the person shall submit a written request to the governmental entity on a form prescribed by the commission.

(c) A person who makes a designation described in Subsection (6)(b) may revoke the designation by submitting a written request to the governmental entity on a form prescribed by the commission.

(7) Sections 59-2-301.1 through 59-2-301.7 apply for purposes of assessing a tax under this chapter.

Section 3. Section 63G-2-202 is amended to read:

63G-2-202. Access to private, controlled, and protected documents.

(1) Except as provided in Subsection (11)(a), a governmental entity:

(a) shall, upon request, disclose a private record to:

(i) the subject of the record;

(ii) the parent or legal guardian of an unemancipated minor who is the subject of the {action or proceeding;— (B) an appraiser if the appraiser:— (I) is not a property taxpayer of the property that} record;

(iii) the legal guardian of a legally incapacitated individual who is the subject of the {action or proceeding; and— (H) did not receive the commercial information pursuant to Subsection (8);— (C) a property manager if the property manager is not a property taxpayer of the property that is} record;

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(iv) any other individual who:

(A) has a power of attorney from the subject of the ~~{action or proceeding; or~~ ~~(D)~~ a property taxpayer other than a property taxpayer of the property that is ~~}record;~~

(B) submits a notarized release from the subject of the ~~{action or proceeding;~~ ~~(ii)~~ regardless of whether the commercial information is disclosed in more than one action or proceeding; and ~~(iii) (A) if~~ record or the individual's legal representative dated no more than 90 days before the date the request is made; or

(C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a health care provider, as defined in Section 26-33a-102, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or

(v) any person to whom the record must be provided pursuant to:

(A) court order as provided in Subsection (7); or

(B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; [and]

(b) may disclose a private record described in Subsections 63G-2-302(1)(j) through (m), without complying with Section 63G-2-206, to another governmental entity for a purpose related to:

(i) voter registration; or

(ii) the administration of an election[-]; and

(c) may disclose a private record described in Subsection 63G-2-302(1)(z)(iv) to:

(i) the State Tax Commission or a county assessor; or

(ii) a person that is not a governmental entity if:

(A) the person is a party to an appeal or a representative designated by a party to an appeal before a county board of equalization ~~{conducts the action or proceeding}~~ hearing officer, {the} county board of equalization {takes action to provide that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section; ~~(B) if the commission conducts the action or proceeding, the commission enters a protective order or, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, makes rules specifying that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the~~

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~~action or proceeding except as specifically allowed by this section; or (C) if a court of competent jurisdiction conducts the action or proceeding, the court enters a protective order specifying that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section.~~

~~(c) Notwithstanding Subsection (4)(a), a court may require the production of, and may admit in evidence, commercial information that is specifically pertinent to the action or proceeding.~~

~~(5) Notwithstanding Subsection (2), this section does not prohibit: (a) the following from receiving a copy of any commercial information relating to the basis for assessing a tax that is charged to a property taxpayer: (i) the property taxpayer; (ii) a duly authorized representative of the property taxpayer; (iii) a person that has in effect a contract with the property taxpayer to: (A) make filings on behalf of the property taxpayer; (B) process appeals on behalf of the property taxpayer; or (C) pay a tax under Chapter 2, Property Tax Act, on the property taxpayer's property; (iv) a property taxpayer that purchases property from another property taxpayer; or (v) a person that the property taxpayer designates in writing as being authorized to receive the commercial information; (b) the publication of statistics as long as the statistics are classified to prevent the identification of a particular property taxpayer's commercial information; or (c) the inspection by the attorney general or other legal representative of the state or a legal representative of a political subdivision of the state of the commercial information of a property taxpayer: (i) that brings action to set aside or review a tax or property valuation based on the commercial information; (ii) against which an action or proceeding is contemplated or has been instituted under this title; or (iii) against which the state or a political subdivision of the state has an unsatisfied money judgment.~~

~~(6) Notwithstanding Subsection (2),~~ State Tax Commission, or state court; and (B) the person executes an agreement before the governmental entity discloses the record that prohibits the person from disclosing the private record described in Subsection 63G-2-302(1)(z)(iv) to any other person.

(2) (a) Upon request, a governmental entity shall disclose a controlled record to:

(i) a physician, physician assistant, psychologist, certified social worker, insurance

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provider or producer, or a government public health agency upon submission of:

(A) a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and

(B) a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (2)(b); and

(ii) any person to whom the record must be disclosed pursuant to:

(A) a court order as provided in Subsection (7); or

(B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers.

(b) A person who receives a record from a governmental entity in accordance with ~~{Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule establish standards authorizing an individual listed under Subsection 59-1-403(2)(a) to disclose commercial information: — (a) (i) in a published decision, or — (ii) in carrying out official duties; and — (b) if that individual listed under Subsection 59-1-403(2)(a) consults with the property taxpayer that provided the commercial information.~~

~~—— (7) Notwithstanding } Subsection (2){: —— (a) an individual listed under Subsection 59-1-403(2)(a) may share commercial information with the following: —— (i) another individual listed in Subsection 59-1-403(2)(a)(i) or (ii); or —— (ii) a representative, agent, clerk, or other officer or employee of a county as required to fulfill an obligation created by Chapter 2, Property Tax Act; —— (b) an individual listed under Subsection 59-1-403(2)(a) may perform the following to fulfill an obligation created by Chapter 2, Property Tax Act: —— (i) publish notice; —— (ii) provide notice; or —— (iii) file a lien; or —— (c) the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share commercial information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, if these political subdivisions or the federal government grant substantially similar privileges to this state:~~

~~—— (8) Notwithstanding Subsection (2): —— (a) subject to the limitations in this section, an individual described in Subsection 59-1-403(2)(a) may share the following commercial information with an appraiser: —— (i) the sales price of locally assessed property and the related financing terms; —— (ii) capitalization rates and related rates and ratios related to the~~

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~~valuation of locally assessed property; and (iii) income and expense information related to the valuation of locally assessed property; and (b)}~~ (a)(i) may not disclose controlled information from that record to any person, including the subject of the record.

(3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

(4) Upon request, and except as provided in Subsection ~~(4), an appraiser who receives commercial information: (i) may disclose the commercial information: (A) to an individual described}~~ 11(b), a governmental entity shall disclose a protected record to:

(a) the person that submitted the record;

(b) any other individual who:

(i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or

(ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;

(c) any person to whom the record must be provided pursuant to:

(i) a court order as provided in Subsection ~~{59-1-403(2)(a); (B) to an appraiser; (C) in an appraisal if protected commercial}~~ (7); or

(ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; or

(d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5).

(5) Except as provided in Subsection (1)(b), a governmental entity may disclose a private, controlled, or protected record to another governmental entity, political subdivision, state, the United States, or a foreign government only as provided by Section 63G-2-206.

(6) Before releasing a private, controlled, or protected record, the governmental entity shall obtain evidence of the requester's identity.

(7) A governmental entity shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction, provided that:

(a) the record deals with a matter in controversy over which the court has jurisdiction;

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(b) the court has considered the merits of the request for access to the record;

(c) the court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect:

(i) privacy interests in the case of private or controlled records;

(ii) business confidentiality interests in the case of records protected under Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

(iii) privacy interests or the public interest in the case of other protected records;

(d) to the extent the record is properly classified private, controlled, or protected, the interests favoring access, considering limitations thereon, are greater than or equal to the interests favoring restriction of access; and

(e) where access is restricted by a rule, statute, or regulation referred to in Subsection 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

(8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or authorize disclosure of private or controlled records for research purposes if the governmental entity:

(i) determines that the research purpose cannot reasonably be accomplished without use or disclosure of the information to the researcher in individually identifiable form;

(ii) determines that:

(A) the proposed research is bona fide; and

(B) the value of the research is greater than or equal to the infringement upon personal privacy;

(iii) (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and

(B) requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;

(iv) prohibits the researcher from:

(A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or

(B) using the record for purposes other than the research approved by the governmental entity; and

(v) secures from the researcher a written statement of the researcher's understanding of

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and agreement to the conditions of this Subsection (8) and the researcher's understanding that violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution under Section 63G-2-801.

(b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.

(c) A governmental entity may require indemnification as a condition of permitting research under this Subsection (8).

(d) A governmental entity may not disclose or authorize disclosure of a private record for research purposes as described in this Subsection (8) if the private record is a record described in Subsection 63G-2-302(1)(w).

(9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity may disclose to persons other than those specified in this section records that are:

(i) private under Section 63G-2-302; or

(ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.

(b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the disclosure to persons other than those specified in this section of records that are:

(i) private under Section 63G-2-302;

(ii) controlled under Section 63G-2-304; or

(iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.

(c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected under Section 63G-2-305 to persons other than those specified in this section.

(10) (a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed as provided in Subsection (1)(a)(v).

(b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as provided in Subsection (4)(c) or Section 62A-3-312.

(11) (a) A private, protected, or controlled record described in Section 62A-16-301

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shall be disclosed as required under:

(i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and

(ii) Subsections 62A-16-302(1) and (6).

(b) A record disclosed under Subsection (11)(a) shall retain its character as private, protected, or controlled.

Section 4. Section 63G-2-302 is amended to read:

63G-2-302. Private records.

(1) The following records are private:

(a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(c) records of publicly funded libraries that when examined alone or with other records identify a patron;

(d) records received by or generated by or for:

(i) the Independent Legislative Ethics Commission, except for:

(A) the commission's summary data report that is required under legislative rule; and

(B) any other document that is classified as public under legislative rule; or

(ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;

(e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

(f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:

(i) if, prior to the meeting, the chair of the committee determines release of the records:

(A) reasonably could be expected to interfere with the investigation undertaken by the committee; or

(B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and

(ii) after the meeting, if the meeting was closed to the public;

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(g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;

(i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

(j) that part of a voter registration record identifying a voter's:

(i) driver license or identification card number;

(ii) social security number, or last four digits of the social security number;

(iii) email address;

(iv) date of birth; or

(v) phone number;

(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);

(l) a voter registration record that is withheld under Subsection 20A-2-104(7);

(m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;

(n) a record that:

(i) contains information about an individual;

(ii) is voluntarily provided by the individual; and

(iii) goes into an electronic database that:

(A) is designated by and administered under the authority of the Chief Information Officer; and

(B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;

(o) information provided to the Commissioner of Insurance under:

(i) Subsection 31A-23a-115(3)(a);

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(ii) Subsection 31A-23a-302(4); or

(iii) Subsection 31A-26-210(4);

(p) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

(q) information provided by an offender that is:

(i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

(ii) not required to be made available to the public under Subsection 77-41-110(4) or 77-43-108(4);

(r) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;

(s) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;

(t) an email address provided by a military or overseas voter under Section 20A-16-501;

(u) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

(v) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:

(i) the commission's summary data report that is required in Section 63A-15-202; and

(ii) any other document that is classified as public in accordance with Title 63A,

Chapter 15, Political Subdivisions Ethics Review Commission;

(w) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or threat;

(x) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;

(y) a record described in Subsection 53-5a-104(7);

(z) on a record maintained by a county or the Multicounty Appraisal Trust for the

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purpose of administering property taxes, an individual's:

(i) email address;

(ii) phone number; [or]

(iii) personal financial information ~~is removed to protect its confidential nature; or~~

~~— (D) in performing a consultation service if protected commercial information is not disclosed; and — (ii) may not use the commercial information: — (A) for a purpose other than to prepare an appraisal or perform a consultation service; or — (B) for a purpose intended to be, or which could reasonably be foreseen to be, anti-competitive to a property taxpayer.~~

~~— (9) (a) related to a person's payment method; or~~

(iv) information described in Subsection 57-3-110(3)(c)(v);

(aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:

(i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;

(ii) Title 59, Chapter 2, Part 12, Property Tax Relief;

(iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or

(iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;

(bb) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);

(cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3); and

(dd) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004.

(2) The following records are private if properly classified by a governmental entity:

(a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

(b) records describing an individual's finances, except that the following are public:

(i) records described in Subsection 63G-2-301(2);

(ii) information provided to the governmental entity for the purpose of complying with

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a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute;

(c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

(d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

(e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;

(f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

(g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:

(i) depict the commission of an alleged crime;

(ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

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

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

(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

(3) (a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

(i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

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(ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

(c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

Section 5. Section **63I-1-257** is amended to read:

63I-1-257. Repeal dates: Title 57.

Section 57-3-110 is repealed July 1, 2026.

Section 6. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates: Titles 63A to 63N.

(1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Section 63A-18-102 is repealed;

(b) Section 63A-18-201 is repealed; and

(c) Section 63A-18-202 is repealed.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is

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repealed July 1, 2026.

(11) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

(12) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.

(13) Subsection 63G-2-202(1)(c), relating to private records described in Subsection 63G-2-302(1)(z)(iv), is repealed July 1, 2026.

(14) Subsection 63G-2-302(1)(z)(iv), relating to information described in Subsection 57-3-110(3)(c)(v), is repealed July 1, 2026.

[(13)] (15) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

[(14)] (16) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.

[(15)] (17) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

[(16)] (18) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

[(17)] (19) Subsection 63J-1-602.1(17), relating to the Nurse Home Visiting Restricted Account, is repealed July 1, 2026.

[(18)] (20) Subsection 63J-1-602.2(6), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

[(19)] (21) Subsection 63J-1-602.2(7), referring to the Trip Reduction Program, is repealed July 1, 2022.

[(20)] (22) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

[(21)] (23) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.

[(22)] (24) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2033:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

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(c) Subsection 63M-7-305(1)(a) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

~~(i) prepare a written explanation of this section; and (ii) make the written explanation described in Subsection (9)(a)(i) available to the public.~~

~~(b) An employer of a person described in Subsection 59-1-403(2)(a) shall: (i) provide the written explanation described in Subsection (9)(a)(i) to each person described in Subsection 59-1-403(2)(a) who is reasonably likely to receive commercial information; (ii) require each person who receives a written explanation in accordance with Subsection (9)(b)(i) to: (A) read the written explanation; and (B) sign the written explanation; and (iii) retain each written explanation that is signed in accordance with Subsection (9)(b)(ii) for a time period: (A) beginning on the day on which a person signs the written explanation in accordance with Subsection (9)(b)(ii); and (B) ending six years after the day on which the employment of the person described in Subsection (9)(b)(iii)(A) by the employer terminates.~~

~~(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall by rule define "employer." (10) (a) An individual described in Subsection (1)(a) or 59-1-403(2)(a), or an individual that violates a protective order or similar limitation entered pursuant to Subsection (4)(b)(iii), is guilty of a class A misdemeanor if that person: (i) intentionally discloses commercial information in violation of this section; and (ii) knows that the disclosure described in Subsection (10)(a)(i) is prohibited by this section.~~

~~(b) If the individual described in Subsection (10)(a) is an officer or employee of the state or a county and is convicted of violating this section, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.~~

~~(c) If the individual described in Subsection (10)(a) is an appraiser, the appraiser shall forfeit any certification or license received under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act, for a period of five years.~~

~~(d) If the individual described in Subsection (10)(a) is an individual associated with an~~

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~~appraiser who assists the appraiser in preparing appraisals, the individual shall be prohibited from becoming licensed or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act, for a period of five years.~~

†a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections 77-18-103(2)(c) and (d)."

[(23)] (25) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

[(24)] (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

[(25)] (27) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed January 1, 2025.

[(26)] (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

[(27)] (29) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.

[(28)] (30) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed July 1, 2027.

[(29)] (31) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2025.

[(30)] (32) In relation to the Rural Employment Expansion Program, on July 1, 2023:

(a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;

and

(b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion Program, is repealed.

[(31)] (33) In relation to the Board of Tourism Development, on July 1, 2025:

(a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

(b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is repealed and replaced with "Utah Office of Tourism";

(c) Subsection 63N-7-101(1), which defines "board," is repealed;

(d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive

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approval from the Board of Tourism Development, is repealed; and

(e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

[(32)] (34) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed on July 1, 2024.