

GENERATIONAL WATER INFRASTRUCTURE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill addresses the development of water resources.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the creation of the Water District Water Development Council (council) under the Interlocal Cooperation Act;
- ▶ outlines restrictions on the council;
- ▶ provides for the powers and duties of the council;
- ▶ requires reporting by the council;
- ▶ requires consultation by the council;
- ▶ provides for access to documents of state or local agencies;
- ▶ amends provisions related to meetings and records of the council;
- ▶ addresses the powers and duties of the Board of Water Resources and the Division of Water Resources;
- ▶ addresses expenditures from the Water Infrastructure Restricted Account;
- ▶ provides for the appointment of the Utah water agent (water agent);
- ▶ provides for the powers and duties of the water agent;
- ▶ requires reporting by the water agent;
- ▶ requires consultation by the water agent;



- 28 ▶ addresses negotiations of the water agent;
- 29 ▶ amends provisions related to procurement and records of the water agent;
- 30 ▶ addresses access to documents of state or local agencies;
- 31 ▶ includes a sunset date regarding the water agent; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 This bill appropriates in fiscal year 2025:

- 35 ▶ to Governor's Office - Utah Water Agent - Utah Water Agent as a one-time
- 36 appropriation:

- 37 • from the General Fund, One-time, \$3,000,000

- 38 ▶ to Governor's Office - Utah Water Agent - Utah Water Agent as an ongoing
- 39 appropriation:

- 40 • from the General Fund, \$1,000,000

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **52-4-103**, as last amended by Laws of Utah 2023, Chapters 139, 374 and 457
- 46 **63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516
- 47 **63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329
- 48 **63G-6a-107.6**, as last amended by Laws of Utah 2021, Chapter 179
- 49 **63I-1-273**, as last amended by Laws of Utah 2023, Chapters 205, 261
- 50 **67-22-2**, as last amended by Laws of Utah 2023, Chapter 205
- 51 **73-10-3**, as last amended by Laws of Utah 2023, Chapter 140
- 52 **73-10-4**, as last amended by Laws of Utah 2023, Chapter 140
- 53 **73-10-18**, as last amended by Laws of Utah 2023, Chapter 140
- 54 **73-10g-104**, as last amended by Laws of Utah 2023, Chapter 261

55 ENACTS:

- 56 **11-13-228**, Utah Code Annotated 1953
- 57 **73-10g-601**, Utah Code Annotated 1953
- 58 **73-10g-602**, Utah Code Annotated 1953

59 [73-10g-603](#), Utah Code Annotated 1953

60

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

62 Section 1. Section **11-13-228** is enacted to read:

63 **11-13-228. Water District Water Development Council.**

64 (1) As used in this section:

65 (a) "Council" means the Water District Water Development Council created pursuant
66 to this section.

67 (b) "Division" means the Division of Water Resources.

68 (c) "Generational" means sufficient to meet anticipated demand for 50 to 75 years.

69 (d) "Generational water infrastructure" means physical facilities or other physical
70 assets designed to meet generational demands for water.

71 (e) "State or local entity" means:

72 (i) a department, division, commission, agency, or other instrumentality of state
73 government; or

74 (ii) a political subdivision or the political subdivision's instrumentalities.

75 (f) "Water agent" means the Utah water agent appointed by the governor under Section
76 [73-10g-602](#).

77 (g) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
78 Part 10, Water Conservancy District Act.

79 (2) (a) Subject to the provisions of this part, the four largest water conservancy districts
80 in the state based on operating budgets shall enter into an agreement with one another and the
81 division to form the Water District Water Development Council as a joint administrator of a
82 joint or cooperative undertaking.

83 (b) The members of the council shall consist of:

84 (i) the general manager or the general manager's designee for each of the water
85 conservancy districts described in Subsection (2)(a); and

86 (ii) the director of the division, who will represent the needs of the portions of the state
87 that are not served by the water conservancy districts in the agreement.

88 (c) Members of the council may not receive compensation, per diem, or expenses for
89 service on the council.

90 (d) The council shall appoint a director to manage operations of the council. The
91 council shall set the salary for the director and the director serves at the pleasure of the council.

92 (e) The council shall establish and maintain office space and staff for the council and
93 the water agent. The water conservancy districts that enter into the agreement shall pay the
94 costs of the office space and staff that are directly related to the activities of the council,
95 including staff from a water conservancy district that is assigned to work with the council,
96 except that, to the extent appropriated by the Legislature, the state shall pay the costs of the
97 water agent and any costs for non-district staff hired to solely work for the council or water
98 agent.

99 (3) (a) The council may not own or operate water infrastructure, but may advise a water
100 conservancy district that enters into the agreement about the development of generational water
101 infrastructure by a water conservancy district.

102 (b) For the generational water needs of the citizens of Utah and within the authorities
103 given to the water conservancy districts represented on the council in Title 17B, Chapter 2a,
104 Part 10, Water Conservancy District Act, the council shall jointly plan for generational water
105 infrastructure and advance the responsible development of water within the jurisdiction of the
106 water conservancy districts represented on the council to address water users' generational need
107 for adequate and reliable water supplies, including:

108 (i) assessing generational water needs based on population growth and economic
109 development;

110 (ii) identifying possible sources to meet the generational water needs;

111 (iii) exploring physical interconnections and joint operations of generational water
112 infrastructure that exist as of May 1, 2024, and into the future;

113 (iv) assessing water conservation as a component of generational water supplies and
114 environmental conservation efforts;

115 (v) scoping solutions to determine the most viable pathways for meeting generational
116 water needs;

117 (vi) collecting and analyzing data necessary to make informed decisions regarding
118 generational water needs;

119 (vii) coordinating with other water suppliers within the state as needed;

120 (viii) making recommendations to the Legislature regarding projects, funding, and

121 policy changes to provide for generational water needs; and

122 (ix) annually reporting findings and recommendations to:

123 (A) the governor;

124 (B) the president of the Senate;

125 (C) the speaker of the House of Representatives;

126 (D) the Legislative Water Development Commission created by Section [73-27-102](#);

127 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and

128 (F) the Water Development Coordinating Council created by Sections [79-2-201](#) and

129 [73-10c-3](#).

130 (c) The council shall coordinate with the division regarding the need for generational

131 water infrastructure and how to meet that need and, as part of this coordination the council

132 shall assist the division in the division's development of a state water plan under Section

133 [73-10-15](#).

134 (d) The council shall receive input from and coordinate with the water agent.

135 (e) The council may not levy, assess, or collect ad valorem property taxes or issue

136 bonds.

137 (f) The council shall adopt policies for procurement that enable the council to

138 efficiently fulfill the council's responsibilities under the agreement.

138a **Ŝ→ (g) The council is advisory and may not establish policy for the state.**

138b **(h) The council does not control money used to fund water infrastructure. ←Ŝ**

139 (4) Subject to Title 63G, Chapter 2, Government Records Access and Management

140 Act, upon request of the council, a state or local entity shall provide to the water agent a

141 document, report, or information available within the state or local entity.

142 (5) Nothing in this section restricts the ability of a water conservancy district to

143 contract under Subsection [17B-2a-1004\(2\)](#).

144 Section 2. Section **52-4-103** is amended to read:

145 **52-4-103. Definitions.**

146 As used in this chapter:

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

148 (a) an electronic meeting originates; or

149 (b) the participants are connected.

150 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by

151 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake

152 City.

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

156 (b) "Convening" does not include the initiation of a routine conversation between
157 members of a board of trustees of a large public transit district if the members involved in the
158 conversation do not, during the conversation, take a tentative or final vote on the matter that is
159 the subject of the conversation.

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

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

163 (a) electronic mail;

164 (b) instant messaging;

165 (c) electronic chat;

166 (d) text messaging, which means a communication in the form of electronic text or one
167 or more electronic images sent by the actor from a telephone, computer, or other electronic
168 communication device to another person's telephone, computer, or electronic communication
169 device by addressing the communication to the person's telephone number or other electronic
170 communication access code or number; or

171 (e) any other method that conveys a message or facilitates communication
172 electronically.

173 (6) "Fiduciary or commercial information" means information:

174 (a) related to any subject if disclosure:

175 (i) would conflict with a fiduciary obligation; or

176 (ii) is prohibited by insider trading provisions; or

177 (b) that is commercial in nature including:

178 (i) account owners or borrowers;

179 (ii) demographic data;

180 (iii) contracts and related payments;

181 (iv) negotiations;

182 (v) proposals or bids;

- 183 (vi) investments;
- 184 (vii) management of funds;
- 185 (viii) fees and charges;
- 186 (ix) plan and program design;
- 187 (x) investment options and underlying investments offered to account owners;
- 188 (xi) marketing and outreach efforts;
- 189 (xii) financial plans; or
- 190 (xiii) reviews and audits excluding the final report required under Section 53B-8a-111.

191 (7) (a) "Meeting" means the convening of a public body or a specified body, with a
192 quorum present, including a workshop or an executive session, whether in person or by means
193 of electronic communications, for the purpose of discussing, receiving comments from the
194 public about, or acting upon a matter over which the public body or specified body has
195 jurisdiction or advisory power.

196 (b) "Meeting" does not mean:

- 197 (i) a chance gathering or social gathering;
- 198 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
199 accordance with Section 59-1-405; or
- 200 (iii) a convening of a three-member board of trustees of a large public transit district as
201 defined in Section 17B-2a-802 if:

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

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

206 (c) "Meeting" does not mean the convening of a public body that has both legislative
207 and executive responsibilities if:

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

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

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

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

214 (8) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
215 public statements of each member of the public body who is participating in a meeting.

216 (9) "Participate" means the ability to communicate with all of the members of a public
217 body, either verbally or electronically, so that each member of the public body can hear or
218 observe the communication.

219 (10) (a) "Public body" means:

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

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

223 (B) consists of two or more persons;

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

225 (D) is vested with the authority to make decisions regarding the public's business; or

226 (ii) any administrative, advisory, executive, or policymaking body of an association, as
227 that term is defined in Section [53G-7-1101](#), that:

228 (A) consists of two or more persons;

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

232 (C) is vested with authority to make decisions regarding the participation of a public
233 school or student in an interscholastic activity, as that term is defined in Section [53G-7-1101](#).

234 (b) "Public body" includes:

235 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in
236 Section [11-13-103](#), except for the Water District Water Development Council created pursuant
237 to Section [11-13-228](#);

238 (ii) a governmental nonprofit corporation as that term is defined in Section [11-13a-102](#);

239 (iii) the Utah Independent Redistricting Commission; and

240 (iv) a project entity, as that term is defined in Section [11-13-103](#).

241 (c) "Public body" does not include:

242 (i) a political party, a political group, or a political caucus;

243 (ii) a conference committee, a rules committee, or a sifting committee of the
244 Legislature;

245 (iii) a school community council or charter trust land council, as that term is defined in
246 Section 53G-7-1203;

247 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed
248 interlocal entity is not a project entity; or

249 (v) the following Legislative Management subcommittees, which are established in
250 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to
251 recommend for employment, except that the meeting in which a subcommittee votes to
252 recommend that a candidate be employed shall be subject to the provisions of this act:

253 (A) the Research and General Counsel Subcommittee;

254 (B) the Budget Subcommittee; and

255 (C) the Audit Subcommittee.

256 (11) "Public statement" means a statement made in the ordinary course of business of
257 the public body with the intent that all other members of the public body receive it.

258 (12) (a) "Quorum" means a simple majority of the membership of a public body, unless
259 otherwise defined by applicable law.

260 (b) "Quorum" does not include a meeting of two elected officials by themselves when
261 no action, either formal or informal, is taken.

262 (13) "Recording" means an audio, or an audio and video, record of the proceedings of a
263 meeting that can be used to review the proceedings of the meeting.

264 (14) "Specified body":

265 (a) means an administrative, advisory, executive, or legislative body that:

266 (i) is not a public body;

267 (ii) consists of three or more members; and

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

269 (A) a legislator; and

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

272 (b) does not include a body listed in Subsection (10)(c)(ii) or (10)(c)(v).

273 (15) "Transmit" means to send, convey, or communicate an electronic message by
274 electronic means.

275 Section 3. Section 63G-2-103 is amended to read:

276 **63G-2-103. Definitions.**

277 As used in this chapter:

278 (1) "Audit" means:

279 (a) a systematic examination of financial, management, program, and related records
280 for the purpose of determining the fair presentation of financial statements, adequacy of
281 internal controls, or compliance with laws and regulations; or282 (b) a systematic examination of program procedures and operations for the purpose of
283 determining their effectiveness, economy, efficiency, and compliance with statutes and
284 regulations.285 (2) "Chronological logs" mean the regular and customary summary records of law
286 enforcement agencies and other public safety agencies that show:287 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
288 and

289 (b) any arrests or jail bookings made by the agency.

290 (3) "Classification," "classify," and their derivative forms mean determining whether a
291 record series, record, or information within a record is public, private, controlled, protected, or
292 exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

293 (4) (a) "Computer program" means:

294 (i) a series of instructions or statements that permit the functioning of a computer
295 system in a manner designed to provide storage, retrieval, and manipulation of data from the
296 computer system; and297 (ii) any associated documentation and source material that explain how to operate the
298 computer program.

299 (b) "Computer program" does not mean:

300 (i) the original data, including numbers, text, voice, graphics, and images;

301 (ii) analysis, compilation, and other manipulated forms of the original data produced by
302 use of the program; or303 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
304 algorithms contained in the program, that would be used if the manipulated forms of the
305 original data were to be produced manually.

306 (5) (a) "Contractor" means:

307 (i) any person who contracts with a governmental entity to provide goods or services
308 directly to a governmental entity; or

309 (ii) any private, nonprofit organization that receives funds from a governmental entity.

310 (b) "Contractor" does not mean a private provider.

311 (6) "Controlled record" means a record containing data on individuals that is controlled
312 as provided by Section [63G-2-304](#).

313 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
314 governmental entity's familiarity with a record series or based on a governmental entity's
315 review of a reasonable sample of a record series, the primary classification that a majority of
316 records in a record series would be given if classified and the classification that other records
317 typically present in the record series would be given if classified.

318 (8) "Elected official" means each person elected to a state office, county office,
319 municipal office, school board or school district office, special district office, or special service
320 district office, but does not include judges.

321 (9) "Explosive" means a chemical compound, device, or mixture:

322 (a) commonly used or intended for the purpose of producing an explosion; and

323 (b) that contains oxidizing or combustive units or other ingredients in proportions,
324 quantities, or packing so that:

325 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
326 compound or mixture may cause a sudden generation of highly heated gases; and

327 (ii) the resultant gaseous pressures are capable of:

328 (A) producing destructive effects on contiguous objects; or

329 (B) causing death or serious bodily injury.

330 (10) "Government audit agency" means any governmental entity that conducts an audit.

331 (11) (a) "Governmental entity" means:

332 (i) executive department agencies of the state, the offices of the governor, lieutenant
333 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
334 the Board of Examiners, the National Guard, the Career Service Review Office, the State
335 Board of Education, the Utah Board of Higher Education, and the State Archives;

336 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
337 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative

338 committees, except any political party, group, caucus, or rules or sifting committee of the
339 Legislature;

340 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
341 administrative units in the judicial branch;

342 (iv) any state-funded institution of higher education or public education; or

343 (v) any political subdivision of the state, but, if a political subdivision has adopted an
344 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
345 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
346 as specified in any other section of this chapter that specifically refers to political subdivisions.

347 (b) "Governmental entity" also means:

348 (i) every office, agency, board, bureau, committee, department, advisory board, or
349 commission of an entity listed in Subsection (11)(a) that is funded or established by the
350 government to carry out the public's business;

351 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
352 undertaking, except for the Water District Water Development Council created pursuant to
353 Section 11-13-228;

354 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

355 (iv) an association as defined in Section 53G-7-1101;

356 (v) the Utah Independent Redistricting Commission; and

357 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
358 more law enforcement officers, as defined in Section 53-13-103.

359 (c) "Governmental entity" does not include the Utah Educational Savings Plan created
360 in Section 53B-8a-103.

361 (12) "Gross compensation" means every form of remuneration payable for a given
362 period to an individual for services provided including salaries, commissions, vacation pay,
363 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
364 similar benefit received from the individual's employer.

365 (13) "Individual" means a human being.

366 (14) (a) "Initial contact report" means an initial written or recorded report, however
367 titled, prepared by peace officers engaged in public patrol or response duties describing official
368 actions initially taken in response to either a public complaint about or the discovery of an

369 apparent violation of law, which report may describe:

- 370 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 371 (ii) names of victims;
- 372 (iii) the nature or general scope of the agency's initial actions taken in response to the
373 incident;
- 374 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 375 (v) the name, address, and other identifying information about any person arrested or
376 charged in connection with the incident; or
- 377 (vi) the identity of the public safety personnel, except undercover personnel, or
378 prosecuting attorney involved in responding to the initial incident.

379 (b) Initial contact reports do not include follow-up or investigative reports prepared
380 after the initial contact report. However, if the information specified in Subsection (14)(a)
381 appears in follow-up or investigative reports, it may only be treated confidentially if it is
382 private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201](#)(3)(b).

383 (c) Initial contact reports do not include accident reports, as that term is described in
384 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

385 (15) "Legislative body" means the Legislature.

386 (16) "Notice of compliance" means a statement confirming that a governmental entity
387 has complied with an order of the State Records Committee.

388 (17) "Person" means:

- 389 (a) an individual;
- 390 (b) a nonprofit or profit corporation;
- 391 (c) a partnership;
- 392 (d) a sole proprietorship;
- 393 (e) other type of business organization; or
- 394 (f) any combination acting in concert with one another.

395 (18) "Personal identifying information" means the same as that term is defined in
396 Section [63A-12-100.5](#).

397 (19) "Privacy annotation" means the same as that term is defined in Section
398 [63A-12-100.5](#).

399 (20) "Private provider" means any person who contracts with a governmental entity to

400 provide services directly to the public.

401 (21) "Private record" means a record containing data on individuals that is private as
402 provided by Section 63G-2-302.

403 (22) "Protected record" means a record that is classified protected as provided by
404 Section 63G-2-305.

405 (23) "Public record" means a record that is not private, controlled, or protected and that
406 is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

407 (24) "Reasonable search" means a search that is:

408 (a) reasonable in scope and intensity; and

409 (b) not unreasonably burdensome for the government entity.

410 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
411 card, tape, recording, electronic data, or other documentary material regardless of physical form
412 or characteristics:

413 (i) that is prepared, owned, received, or retained by a governmental entity or political
414 subdivision; and

415 (ii) where all of the information in the original is reproducible by photocopy or other
416 mechanical or electronic means.

417 (b) "Record" does not mean:

418 (i) a personal note or personal communication prepared or received by an employee or
419 officer of a governmental entity:

420 (A) in a capacity other than the employee's or officer's governmental capacity; or

421 (B) that is unrelated to the conduct of the public's business;

422 (ii) a temporary draft or similar material prepared for the originator's personal use or
423 prepared by the originator for the personal use of an individual for whom the originator is
424 working;

425 (iii) material that is legally owned by an individual in the individual's private capacity;

426 (iv) material to which access is limited by the laws of copyright or patent unless the
427 copyright or patent is owned by a governmental entity or political subdivision;

428 (v) proprietary software;

429 (vi) junk mail or a commercial publication received by a governmental entity or an
430 official or employee of a governmental entity;

431 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
432 of a library open to the public;

433 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
434 of a library open to the public, regardless of physical form or characteristics of the material;

435 (ix) a daily calendar or other personal note prepared by the originator for the
436 originator's personal use or for the personal use of an individual for whom the originator is
437 working;

438 (x) a computer program that is developed or purchased by or for any governmental
439 entity for its own use;

440 (xi) a note or internal memorandum prepared as part of the deliberative process by:

441 (A) a member of the judiciary;

442 (B) an administrative law judge;

443 (C) a member of the Board of Pardons and Parole; or

444 (D) a member of any other body, other than an association or appeals panel as defined
445 in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;

446 (xii) a telephone number or similar code used to access a mobile communication
447 device that is used by an employee or officer of a governmental entity, provided that the
448 employee or officer of the governmental entity has designated at least one business telephone
449 number that is a public record as provided in Section [63G-2-301](#);

450 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
451 created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be
452 paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);

453 (xiv) information that an owner of unimproved property provides to a local entity as
454 provided in Section [11-42-205](#);

455 (xv) a video or audio recording of an interview, or a transcript of the video or audio
456 recording, that is conducted at a Children's Justice Center established under Section [67-5b-102](#);

457 (xvi) child sexual abuse material, as defined by Section [76-5b-103](#);

458 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
459 of the closed portion of a meeting or hearing of:

460 (A) a Senate or House Ethics Committee;

461 (B) the Independent Legislative Ethics Commission;

462 (C) the Independent Executive Branch Ethics Commission, created in Section
463 63A-14-202; or

464 (D) the Political Subdivisions Ethics Review Commission established in Section
465 63A-15-201; or

466 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or
467 58-61-702.

468 (26) "Record series" means a group of records that may be treated as a unit for
469 purposes of designation, description, management, or disposition.

470 (27) "Records officer" means the individual appointed by the chief administrative
471 officer of each governmental entity, or the political subdivision to work with state archives in
472 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
473 records.

474 (28) "Schedule," "scheduling," and their derivative forms mean the process of
475 specifying the length of time each record series should be retained by a governmental entity for
476 administrative, legal, fiscal, or historical purposes and when each record series should be
477 transferred to the state archives or destroyed.

478 (29) "Sponsored research" means research, training, and other sponsored activities as
479 defined by the federal Executive Office of the President, Office of Management and Budget:

480 (a) conducted:

481 (i) by an institution within the state system of higher education defined in Section
482 53B-1-102; and

483 (ii) through an office responsible for sponsored projects or programs; and

484 (b) funded or otherwise supported by an external:

485 (i) person that is not created or controlled by the institution within the state system of
486 higher education; or

487 (ii) federal, state, or local governmental entity.

488 (30) "State archives" means the Division of Archives and Records Service created in
489 Section 63A-12-101.

490 (31) "State archivist" means the director of the state archives.

491 (32) "State Records Committee" means the State Records Committee created in
492 Section 63G-2-501.

493 (33) "Summary data" means statistical records and compilations that contain data
494 derived from private, controlled, or protected information but that do not disclose private,
495 controlled, or protected information.

496 Section 4. Section **63G-2-305** is amended to read:

497 **63G-2-305. Protected records.**

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

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

501 (2) commercial information or nonindividual financial information obtained from a
502 person if:

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

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

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

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

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

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

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

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

526 (i) an invitation for bids;

527 (ii) a request for proposals;

528 (iii) a request for quotes;

529 (iv) a grant; or

530 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

553 (e) the property under consideration for public acquisition is a single family residence
554 and the governmental entity seeking to acquire the property has initiated negotiations to acquire

555 the property as required under Section [78B-6-505](#);

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

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

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

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

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

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

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

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

579 (e) reasonably could be expected to disclose investigative or audit techniques,
580 procedures, policies, or orders not generally known outside of government if disclosure would
581 interfere with enforcement or audit efforts;

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

584 (12) records the disclosure of which would jeopardize the security of governmental
585 property, governmental programs, or governmental recordkeeping systems from damage, theft,

586 or other appropriation or use contrary to law or public policy;

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

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

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

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

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

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

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

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

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

610 (A) members of a legislative body;

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

612 (C) members of a legislative body's staff; and

613 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
614 legislative action or policy may not be classified as protected under this section;

615 (20) (a) records in the custody or control of the Office of Legislative Research and
616 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

617 legislation or contemplated course of action before the legislator has elected to support the
618 legislation or course of action, or made the legislation or course of action public; and

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

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

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

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

628 (a) collective bargaining; or

629 (b) imminent or pending litigation;

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

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

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

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

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

647 (29) records of the governor's office, including budget recommendations, legislative

648 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
649 policies or contemplated courses of action before the governor has implemented or rejected
650 those policies or courses of action or made them public;

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

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

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

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

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

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

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

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

678 (a) the donor requests anonymity in writing;

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

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

686 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
687 73-18-13;

688 (39) a notification of workers' compensation insurance coverage described in Section
689 34A-2-205;

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

693 (i) unpublished lecture notes;

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

695 (A) relating to research; and

696 (B) of:

697 (I) the institution within the state system of higher education defined in Section
698 53B-1-102; or

699 (II) a sponsor of sponsored research;

700 (iii) unpublished manuscripts;

701 (iv) creative works in process;

702 (v) scholarly correspondence; and

703 (vi) confidential information contained in research proposals;

704 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
705 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

706 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

707 (41) (a) records in the custody or control of the Office of the Legislative Auditor
708 General that would reveal the name of a particular legislator who requests a legislative audit
709 prior to the date that audit is completed and made public; and

710 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
711 Office of the Legislative Auditor General is a public document unless the legislator asks that
712 the records in the custody or control of the Office of the Legislative Auditor General that would
713 reveal the name of a particular legislator who requests a legislative audit be maintained as
714 protected records until the audit is completed and made public;

715 (42) records that provide detail as to the location of an explosive, including a map or
716 other document that indicates the location of:

717 (a) a production facility; or

718 (b) a magazine;

719 (43) information contained in the statewide database of the Division of Aging and
720 Adult Services created by Section [26B-6-210](#);

721 (44) information contained in the Licensing Information System described in Title 80,
722 Chapter 2, Child Welfare Services;

723 (45) information regarding National Guard operations or activities in support of the
724 National Guard's federal mission;

725 (46) records provided by any pawn or secondhand business to a law enforcement
726 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
727 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

728 (47) information regarding food security, risk, and vulnerability assessments performed
729 by the Department of Agriculture and Food;

730 (48) except to the extent that the record is exempt from this chapter pursuant to Section
731 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
732 prepared or maintained by the Division of Emergency Management, and the disclosure of
733 which would jeopardize:

734 (a) the safety of the general public; or

735 (b) the security of:

736 (i) governmental property;

737 (ii) governmental programs; or

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

740 (49) records of the Department of Agriculture and Food that provides for the

741 identification, tracing, or control of livestock diseases, including any program established under
742 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
743 of Animal Disease;

744 (50) as provided in Section 26B-2-408:

745 (a) information or records held by the Department of Health and Human Services
746 related to a complaint regarding a child care program or residential child care which the
747 department is unable to substantiate; and

748 (b) information or records related to a complaint received by the Department of Health
749 and Human Services from an anonymous complainant regarding a child care program or
750 residential child care;

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

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

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

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

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

760 (52) the portion of the following documents that contains a candidate's residential or
761 mailing address, if the candidate provides to the filing officer another address or phone number
762 where the candidate may be contacted:

763 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
764 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
765 20A-9-408.5, 20A-9-502, or 20A-9-601;

766 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

767 (c) a notice of intent to gather signatures for candidacy, described in Section
768 20A-9-408;

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

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

772 53B-1-102; and

773 (b) conducted using animals;

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

778 (55) information collected and a report prepared by the Judicial Performance
779 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
780 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
781 the information or report;

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

784 (57) information requested by and provided to the 911 Division under Section
785 63H-7a-302;

786 (58) in accordance with Section 73-10-33:

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

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

791 (59) the following records in the custody or control of the Office of Inspector General
792 of Medicaid Services, created in Section 63A-13-201:

793 (a) records that would disclose information relating to allegations of personal
794 misconduct, gross mismanagement, or illegal activity of a person if the information or
795 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
796 through other documents or evidence, and the records relating to the allegation are not relied
797 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
798 report or final audit report;

799 (b) records and audit workpapers to the extent they would disclose the identity of a
800 person who, during the course of an investigation or audit, communicated the existence of any
801 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
802 regulation adopted under the laws of this state, a political subdivision of the state, or any

803 recognized entity of the United States, if the information was disclosed on the condition that
804 the identity of the person be protected;

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

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

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

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

815 (61) information provided to the Department of Health and Human Services or the
816 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
817 58-68-304(3) and (4);

818 (62) a record described in Section 63G-12-210;

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

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

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

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

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

828 (65) an audio or video recording created by a body-worn camera, as that term is
829 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
830 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
831 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
832 that term is defined in Section 26B-2-101, except for recordings that:

833 (a) depict the commission of an alleged crime;

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

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

838 (d) contain an officer involved critical incident as defined in Subsection
839 [76-2-408\(1\)\(f\)](#); or

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

842 (66) a record pertaining to the search process for a president of an institution of higher
843 education described in Section [53B-2-102](#), except for application materials for a publicly
844 announced finalist;

845 (67) an audio recording that is:

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

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

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

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

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

857 (68) records submitted by or prepared in relation to an applicant seeking a
858 recommendation by the Research and General Counsel Subcommittee, the Budget
859 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an
860 employment position with the Legislature;

861 (69) work papers as defined in Section [31A-2-204](#);

862 (70) a record made available to Adult Protective Services or a law enforcement agency
863 under Section [61-1-206](#);

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

865 31A-37-201;

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

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

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

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

870 involving an amusement ride;

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

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

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

874 (a) Title 10, Utah Municipal Code;

875 (b) Title 17, Counties;

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

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

878 (e) Title 20A, Election Code;

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

880 a voter registration record;

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

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

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

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

885 5, Victims Guidelines for Prosecutors Act;

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

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

888 prohibited under Section 63G-26-103;

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

890 jail, unless:

891 (a) the individual is convicted of a criminal offense based upon the conduct for which

892 the individual was incarcerated at the time the image was taken;

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

894 (i) after determining that the individual is a fugitive or an imminent threat to an

895 individual or to public safety and releasing or disseminating the image will assist in

896 apprehending the individual or reducing or eliminating the threat; or

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

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

902 (82) a record:

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

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

906 [63M-14-205](#); and

907 (c) the disclosure of which would:

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

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

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

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

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

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

921 and

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

925 (85) a statement that an employee of a governmental entity provides to the
926 governmental entity as part of the governmental entity's personnel or administrative

927 investigation into potential misconduct involving the employee if the governmental entity:

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

930 (b) provides the employee assurance that the statement cannot be used against the
931 employee in any criminal proceeding;

932 (86) any part of an application for a Utah Fits All Scholarship account described in
933 Section [53F-6-402](#) or other information identifying a scholarship student as defined in Section
934 [53F-6-401](#); ~~and~~

935 (87) a record:

936 (a) concerning a claim to the use of waters in the Great Salt Lake;

937 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
938 person concerning the claim, including a representative from another state or the federal
939 government; and

940 (c) the disclosure of which would:

941 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great
942 Salt Lake;

943 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
944 and conditions regarding the use of water in the Great Salt Lake; or

945 (iii) give an advantage to another person including another state or to the federal
946 government in negotiations regarding the use of water in the Great Salt Lake~~[-]~~; and

947 (88) a record of the Utah water agent, appointed under Section [73-10g-602](#):

948 (a) concerning a claim to the use of waters;

949 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
950 representative from another state, a tribe, the federal government, or other government entity as
951 provided in Title 73, Chapter 10g, Part 6, Utah Water Agent; and

952 (c) the disclosure of which would:

953 (i) reveal a legal strategy relating to the state's claim to the use of the water;

954 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
955 regarding the use of water; or

956 (iii) give an advantage to another state, a tribe, the federal government, or other
957 government entity in negotiations regarding the use of water.

958 Section 5. Section **63G-6a-107.6** is amended to read:

959 **63G-6a-107.6. Exemptions from chapter.**

960 (1) Except for this Subsection (1), the provisions of this chapter do not apply to:

961 (a) a public entity's acquisition of a procurement item from another public entity; or

962 (b) a public entity that is not a procurement unit, including the Colorado River

963 Authority of Utah as provided in Section [63M-14-210](#).

964 (2) Unless otherwise provided by statute and except for this Subsection (2), the
965 provisions of this chapter do not apply to the acquisition or disposal of real property or an
966 interest in real property.

967 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the
968 provisions of this chapter do not apply to:

969 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
970 Act;

971 (b) a grant;

972 (c) medical supplies or medical equipment, including service agreements for medical
973 equipment, obtained by the University of Utah Hospital through a purchasing consortium if:

974 (i) the consortium uses a competitive procurement process; and

975 (ii) the chief administrative officer of the hospital makes a written finding that the
976 prices for purchasing medical supplies and medical equipment through the consortium are
977 competitive with market prices;

978 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
979 and State Lands, created in Section [65A-1-4](#), through the federal General Services
980 Administration or the National Fire Cache system;

981 (e) supplies purchased for resale to the public; ~~or~~

982 (f) activities related to the management of investments by a public entity granted
983 investment authority by law~~[-];~~ or

984 (g) activities of the Utah water agent appointed under Section [73-10g-602](#).

985 (4) This chapter does not supersede the requirements for retention or withholding of
986 construction proceeds and release of construction proceeds as provided in Section [13-8-5](#).

987 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a
988 procurement unit's hiring a mediator, arbitrator, or arbitration panel member to participate in

989 the procurement unit's dispute resolution efforts.

990 Section 6. Section **63I-1-273** is amended to read:

991 **63I-1-273. Repeal dates: Title 73.**

992 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
993 January 1, 2031.

994 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,
995 2028.

996 (3) Title 73, Chapter 10g, Part 6, Utah Water Agent, is repealed July 1, 2034.

997 [~~(3)~~] (4) Section **73-18-3.5**, which authorizes the Division of Outdoor Recreation to
998 appoint an advisory council that includes in the advisory council's duties advising on boating
999 policies, is repealed July 1, 2024.

1000 [~~(4)~~] (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31,
1001 2030:

1002 (a) Subsection **73-1-4(2)(e)(xi)** is repealed;

1003 (b) Subsection **73-10-4(1)(h)** is repealed; and

1004 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

1005 [~~(5)~~] (6) Sections **73-32-302** and **73-32-303**, related to the Great Salt Lake Advisory
1006 Council, are repealed July 1, 2027.

1007 Section 7. Section **67-22-2** is amended to read:

1008 **67-22-2. Compensation -- Other state officers.**

1009 (1) As used in this section:

1010 (a) "Appointed executive" means the:

1011 (i) commissioner of the Department of Agriculture and Food;

1012 (ii) commissioner of the Insurance Department;

1013 (iii) commissioner of the Labor Commission;

1014 (iv) director, Department of Alcoholic Beverage Services;

1015 (v) commissioner of the Department of Financial Institutions;

1016 (vi) executive director, Department of Commerce;

1017 (vii) executive director, Commission on Criminal and Juvenile Justice;

1018 (viii) adjutant general;

1019 (ix) executive director, Department of Cultural and Community Engagement;

- 1020 (x) executive director, Department of Corrections;
- 1021 (xi) commissioner, Department of Public Safety;
- 1022 (xii) executive director, Department of Natural Resources;
- 1023 (xiii) executive director, Governor's Office of Planning and Budget;
- 1024 (xiv) executive director, Department of Government Operations;
- 1025 (xv) executive director, Department of Environmental Quality;
- 1026 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1027 (xvii) executive director, Department of Workforce Services;
- 1028 (xviii) executive director, Department of Health, Nonphysician;
- 1029 (xix) executive director, Department of Human Services;
- 1030 (xx) executive director, Department of Transportation;
- 1031 (xxi) executive director, Department of Veterans and Military Affairs;
- 1032 (xxii) executive director, Public Lands Policy Coordinating Office, created in Section
- 1033 [63L-11-201](#); [~~and~~]
- 1034 (xxiii) Great Salt Lake commissioner, appointed under Section [73-32-201](#)[-]; and
- 1035 (xxiv) Utah water agent, appointed under Section [73-10g-602](#).
- 1036 (b) "Board or commission executive" means:
- 1037 (i) members, Board of Pardons and Parole;
- 1038 (ii) chair, State Tax Commission;
- 1039 (iii) commissioners, State Tax Commission;
- 1040 (iv) executive director, State Tax Commission;
- 1041 (v) chair, Public Service Commission; and
- 1042 (vi) commissioners, Public Service Commission.
- 1043 (c) "Deputy" means the person who acts as the appointed executive's second in
- 1044 command as determined by the Division of Human Resource Management.
- 1045 (2) (a) The director of the Division of Human Resource Management shall:
- 1046 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 1047 the appointed executives and the board or commission executives; and
- 1048 (ii) base those recommendations on market salary studies conducted by the Division of
- 1049 Human Resource Management.
- 1050 (b) (i) The Division of Human Resource Management shall determine the salary range

1051 for the appointed executives by:

1052 (A) identifying the salary range assigned to the appointed executive's deputy;

1053 (B) designating the lowest minimum salary from those deputies' salary ranges as the
1054 minimum salary for the appointed executives' salary range; and

1055 (C) designating 105% of the highest maximum salary range from those deputies' salary
1056 ranges as the maximum salary for the appointed executives' salary range.

1057 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
1058 may not consider that deputy's salary range in designating the salary range for appointed
1059 executives.

1060 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
1061 board or commission executives, the Division of Human Resource Management shall set the
1062 maximum salary in the salary range for each of those positions at 90% of the salary for district
1063 judges as established in the annual appropriation act under Section 67-8-2.

1064 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
1065 or (iii), the Division of Human Resource Management shall set the maximum salary in the
1066 salary range for each of those positions at 100% of the salary for district judges as established
1067 in the annual appropriation act under Section 67-8-2.

1068 (3) (a) (i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the governor
1069 shall establish a specific salary for each appointed executive within the range established under
1070 Subsection (2)(b).

1071 (ii) If the executive director of the Department of Health is a physician, the governor
1072 shall establish a salary within the highest physician salary range established by the Division of
1073 Human Resource Management.

1074 (iii) The governor may provide salary increases for appointed executives within the
1075 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

1076 (b) The governor shall apply the same overtime regulations applicable to other FLSA
1077 exempt positions.

1078 (c) The governor may develop standards and criteria for reviewing the appointed
1079 executives.

1080 (d) If under Section 73-10g-602 the governor appoints an individual who is an
1081 executive director or director of a state executive branch entity to be the Utah water agent, the

1082 governor shall adjust the salary of the Utah Water Agent to account for salary received as an
1083 executive director or director.

1084 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that
1085 are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
1086 Salary Act, shall be established as provided in Section 63A-17-301.

1087 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
1088 commission executives as follows:

1089 (i) the option of participating in a state retirement system established by Title 49, Utah
1090 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
1091 by the State Retirement Office in accordance with the Internal Revenue Code and its
1092 accompanying rules and regulations;

1093 (ii) health insurance;

1094 (iii) dental insurance;

1095 (iv) basic life insurance;

1096 (v) unemployment compensation;

1097 (vi) workers' compensation;

1098 (vii) required employer contribution to Social Security;

1099 (viii) long-term disability income insurance;

1100 (ix) the same additional state-paid life insurance available to other noncareer service
1101 employees;

1102 (x) the same severance pay available to other noncareer service employees;

1103 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
1104 follows:

1105 (A) sick leave;

1106 (B) converted sick leave if accrued prior to January 1, 2014;

1107 (C) educational allowances;

1108 (D) holidays; and

1109 (E) annual leave except that annual leave shall be accrued at the maximum rate
1110 provided to Schedule B state employees;

1111 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
1112 provided by law or rule upon resignation or retirement according to the same criteria and

1113 procedures applied to Schedule B state employees;

1114 (xiii) the option to purchase additional life insurance at group insurance rates according
1115 to the same criteria and procedures applied to Schedule B state employees; and

1116 (xiv) professional memberships if being a member of the professional organization is a
1117 requirement of the position.

1118 (b) Each department shall pay the cost of additional state-paid life insurance for its
1119 executive director from its existing budget.

1120 (6) The Legislature fixes the following additional benefits:

1121 (a) for the executive director of the State Tax Commission a vehicle for official and
1122 personal use;

1123 (b) for the executive director of the Department of Transportation a vehicle for official
1124 and personal use;

1125 (c) for the executive director of the Department of Natural Resources a vehicle for
1126 commute and official use;

1127 (d) for the commissioner of Public Safety:

1128 (i) an accidental death insurance policy if POST certified; and

1129 (ii) a public safety vehicle for official and personal use;

1130 (e) for the executive director of the Department of Corrections:

1131 (i) an accidental death insurance policy if POST certified; and

1132 (ii) a public safety vehicle for official and personal use;

1133 (f) for the adjutant general a vehicle for official and personal use; and

1134 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
1135 official use.

1136 Section 8. Section **73-10-3** is amended to read:

1137 **73-10-3. Organization of board .**

1138 [(1)] The board shall elect a chair and one or more vice-chairs who shall be members
1139 of the board, and shall establish the board's own rules of organization and procedure.

1140 [~~2~~] ~~The board, with the approval of the executive director of the Department of~~
1141 ~~Natural Resources and the governor, shall designate a representative who may be one of the~~
1142 ~~board's members to represent the state in interstate conferences between the state and one or~~
1143 ~~more sister states held for the purpose of entering into compacts between such states for the~~

1144 ~~division of the waters of interstate rivers, lakes, or other sources of water supply, and to~~
1145 ~~represent the state upon commissions or other governing bodies provided for by any compacts~~
1146 ~~that have been or may hereafter be entered into between the state and one or more sister states.~~
1147 ~~A compact may not become binding upon the state until the compact is ratified and approved~~
1148 ~~by the Utah State Legislature and the legislatures of other states that are parties to the~~
1149 ~~compact.]~~

1150 ~~[(3) In acting as such representative of the state, the representative so acting shall act~~
1151 ~~under the supervision of the governor, through the executive director of the Department of~~
1152 ~~Natural Resources and of the Board of Water Resources. The director of the Division of~~
1153 ~~Finance shall fix the salary to be paid to the representative while the representative is acting in~~
1154 ~~this capacity.]~~

1155 ~~[(4) The designee of the Water Resource Board shall continue to represent the state as~~
1156 ~~outlined in Subsections (2) and (3) on waters in the state except for:]~~

1157 ~~[(a) the Colorado River system which is governed by Title 63M, Chapter 14, Colorado~~
1158 ~~River Authority of Utah Act; or]~~

1159 ~~[(b) state representation under:]~~

1160 ~~[(i) the Bear River Compact as provided in Section 73-16-4; or]~~

1161 ~~[(ii) the Columbia Interstate Compact as provided in Section 73-19-9.]~~

1162 Section 9. Section 73-10-4 is amended to read:

1163 **73-10-4. Powers and duties of board.**

1164 (1) The board shall have the following powers and duties to:

1165 (a) authorize studies, investigations, and plans for the full development, use, and
1166 promotion of the water and power resources of the state, including preliminary surveys, stream
1167 gauging, examinations, tests, and other estimates either separately or in consultation with
1168 federal, state and other agencies;

1169 (b) enter into contracts subject to the provisions of this chapter for the construction of
1170 conservation projects that in the opinion of the board will conserve and use for the best
1171 advantage of the people of this state the water and power resources of the state, including
1172 projects beyond the boundaries of the state of Utah located on interstate waters when the
1173 benefit of such projects accrues to the citizens of the state;

1174 (c) sue and be sued in accordance with applicable law;

1175 (d) [~~supervise in cooperation with the governor and the executive director of the~~
1176 ~~Department of Natural Resources,]~~ cooperate with the Utah water agent, appointed under
1177 Section 73-10g-602, in matters affecting interstate compact negotiations and the administration
1178 of the compacts affecting the waters of interstate rivers, lakes and other sources of supply, with
1179 the exception of:

1180 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter
1181 14, Colorado River Authority of Utah Act; or

1182 (ii) state representation under:

1183 (A) the Bear River Compact as provided in Section 73-16-4; or

1184 (B) the Columbia Interstate Compact as provided in Section 73-19-9;

1185 (e) contract with federal and other agencies and with the National Water Resources
1186 Association and to make studies, investigations and recommendations and do all other things
1187 on behalf of the state for any purpose that relates to the development, conservation, protection
1188 and control of the water and power resources of the state;

1189 (f) consult and advise with the Utah Water Users' Association and other organized
1190 water users' associations in the state;

1191 (g) consider and make recommendations on behalf of the state of reclamation projects
1192 or other water development projects for construction by any agency of the state or United
1193 States and in so doing recommend the order in which projects shall be undertaken; or

1194 (h) review, approve, and revoke an application to create a water bank under Chapter
1195 31, Water Banking Act, collect an annual report, maintain the water banking website, and
1196 conduct any other function related to a water bank as described in Chapter 31, Water Banking
1197 Act.

1198 (2) Nothing contained in this section shall be construed to impair or otherwise interfere
1199 with the authority of the state engineer granted by this title, except as specifically otherwise
1200 provided in this section.

1201 Section 10. Section 73-10-18 is amended to read:

1202 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

1203 (1) There is created the Division of Water Resources, which shall be within the
1204 Department of Natural Resources under the administration and general supervision of the
1205 executive director of the Department of Natural Resources and under the policy direction of the

1206 Board of Water Resources.

1207 (2) Except for the waters of the Colorado River system that are governed by Title 63M,
1208 Chapter 14, Colorado River Authority of Utah Act, or state representation under the Bear River
1209 Compact or Columbia Interstate Compact, the Division of Water Resources shall:

1210 (a) be the water resource authority for the state; and

1211 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah
1212 water and power board except those which are delegated to the board by this act and is vested
1213 with such other functions, powers, duties, rights and responsibilities as provided in this act and
1214 other law.

1215 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section
1216 73-10g-602, has authority over out-of-state negotiations related to water importation in
1217 accordance with Chapter 10g, Part 6, Utah Water Agent, except when limited by Section
1218 73-10g-603.

1219 Section 11. Section **73-10g-104** is amended to read:

1220 **73-10g-104. Authorized use of the Water Infrastructure Restricted Account.**

1221 Money in the restricted account is to be used $\hat{S} \rightarrow$, **subject to appropriation**, $\leftarrow \hat{S}$ for:

1222 (1) the development of the state's undeveloped share of the Bear and Colorado rivers,
1223 pursuant to existing interstate compacts governing both rivers as described in Chapter 26, Bear
1224 River Development Act, and Chapter 28, Lake Powell Pipeline Development Act;

1225 (2) repair, replacement, or improvement of federal water projects for local sponsors in
1226 the state when federal funds are not available;

1227 (3) study and development of rules, criteria, targets, processes, and plans, as described
1228 in Subsection **73-10g-105**(3); [~~and~~]

1229 (4) a project that benefits the Colorado River drainage in Utah, including projects for
1230 water reuse, desalinization, building of dams, or water conservation, if a county or municipality
1231 that benefits from the project:

1232 (a) requires a new residential subdivision follow the regional conservation level of .59
1233 acre-feet regardless of whether the outside water is potable, reuse, or secondary water;

1234 (b) adopts and implements the local water conservancy district's emergency drought
1235 contingency plan;

1236 (c) adopts and implements the local water conservancy district's grass rebate program's

1237 maximum grass restrictions;

1238 (d) prohibits grass in new retail, industrial, or commercial facility landscaping;

1239 (e) has reuse water be managed by the local water conservancy district;

1240 (f) does not withdraw water from an aquifer in excess of the safe yield of the aquifer as

1241 defined in Section [73-5-15](#);

1242 (g) adopts and implements excess water use surcharges;

1243 (h) prohibits private water features in new development, such as a fountain, pond, or
1244 ski lake; and

1245 (i) prohibits large grassy areas in new development, unless the large grassy area is open
1246 to the general public[-]; and

1247 (5) a project recommended ~~§~~→ to the Legislature ←~~§~~ by the Water District Water
1247a Development Council, created
1248 in Section [11-13-228](#), for generational water infrastructure, as defined in Section [11-13-228](#).

1249 Section 12. Section **73-10g-601** is enacted to read:

1250 **Part 6. Utah Water Agent**

1251 **73-10g-601. Definitions.**

1252 As used in this part:

1253 (1) "Council" means the Water District Water Development Council created pursuant
1254 to Section [11-13-228](#).

1255 (2) "Division" means the Division of Water Resources.

1256 (3) "State or local entity" means:

1257 (a) a department, division, commission, agency, or other instrumentality of state
1258 government; or

1259 (b) a political subdivision or the political subdivision's instrumentalities.

1260 (4) "Water agent" means the Utah water agent appointed by the governor under Section
1261 [73-10g-602](#).

1262 Section 13. Section **73-10g-602** is enacted to read:

1263 **73-10g-602. Utah water agent.**

1264 (1) (a) The governor shall appoint, with the advice and consent of the Senate, a resident
1265 of this state to be the Utah water agent.

1266 (b) The governor shall consult with the speaker of the House of Representatives and
1267 the president of the Senate before appointing the water agent.

1268 (c) The governor may appoint an individual who is an executive director or director of
1269 a state executive branch entity to be the water agent, and the individual may concurrently serve
1270 in both positions, except that the governor shall adjust the salary of the water agent to account
1271 for salary received as an executive director or director.

1272 (2) The water agent shall serve a term of six years and may be appointed to more than
1273 one term, but is subject to removal at the pleasure of the governor.

1274 (3) Subject to Subsection (1)(c), the governor shall establish the water agent's
1275 compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State
1276 Officer Compensation.

1277 (4) (a) Upon appropriation by the Legislature, state money shall be used for the
1278 administration of this part, including paying the costs of:

1279 (i) subject to Subsection (4)(b), the water agent's administrative, office, and staff
1280 support; and

1281 (ii) reasonable travel expenses.

1282 (b) The water agent shall use office and staffing support provided under Subsection
1283 [11-13-228\(2\)\(e\)](#).

1284 Section 14. Section **73-10g-603** is enacted to read:

1285 **73-10g-603. Powers and duties of water agent.**

1286 (1) (a) Subject to Subsection (1)(b) and in consultation with the speaker of the House
1287 of Representatives, president of the Senate, and governor, the water agent shall explore and
1288 negotiate with officials of other states, tribes, and other government entities regarding possible
1289 water importation projects, including:

1290 (i) for the citizens of Utah, representing the state concerning waters of out-of-state
1291 rivers, lakes, and other sources of supply of waters except when representation is otherwise
1292 provided in statute;

1293 (ii) identifying potential out-of-state water resources;

1294 (iii) working with the council and division to match the water resources described in
1295 Subsection (1)(a)(ii) to needs identified by the council or division;

1296 (iv) establishing a strategy to designate what out-of-state water resources to pursue and
1297 how to execute that strategy;

1298 (v) negotiating directly with out-of-state partners to execute the strategy described in

1299 Subsection (1)(a)(iv);

1300 (vi) represent the state in interstate conferences between the state and one or more
1301 sister states held for the purpose of entering into compacts between such states for the division
1302 of the waters of interstate rivers, lakes, or other sources of water supply, and to represent the
1303 state upon commissions or other governing bodies provided for by any compacts that have been
1304 or may be entered into between the state and one or more sister states, except that a compact is
1305 not binding on the state until the compact is ratified and approved by the Legislature and the
1306 legislatures of other states that are parties to the compact;

1307 (vii) recommending to the Legislature and to the council actions that may assist in the
1308 development of, strategies for, and execution of water importation projects; and

1309 (viii) annually reporting findings and recommendations to:

1310 (A) the governor;

1311 (B) the president of the Senate;

1312 (C) the speaker of the House of Representatives;

1313 (D) the Legislative Water Development Commission created in Section [73-27-102](#);

1314 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and

1315 (F) the Board of Water Resources created in Section [73-10-1.5](#).

1316 (b) The water agent may not act under this section in relation to interests governed by
1317 interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado River
1318 Compacts and the 1980 Amended Bear River Compact.

1319 (2) The water agent shall consult and work with the council, state entities, the Colorado
1320 River Authority of Utah, and other bodies established by the state for interstate water
1321 negotiations.

1322 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management
1323 Act, upon request of the water agent, a state or local entity shall provide to the water agent a
1324 document, report, or information available within the state or local entity.

1325 (4) The water agent may negotiate with tribes in accordance with this section, except to
1326 the extent that the water at issue comes from the Colorado River.

1327 (5) This chapter may not be interpreted to override, substitute, or modify a water right
1328 within the state or the role and authority of the state engineer.

1329 **Section 15. FY 2025 Appropriation.**

1330 The following sums of money are appropriated for the fiscal year beginning July 1,
1331 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
1332 fiscal year 2025.

1333 Subsection 15(a). **Operating and Capital Budgets.**

1334 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
1335 Legislature appropriates the following sums of money from the funds or accounts indicated for
1336 the use and support of the government of the state of Utah.

1337 ITEM 1 To Governor's Office - Utah Water Agent

1338 From General Fund, One-time \$3,000,000

1339 From General Fund \$1,000,000

1340 Schedule of Programs:

1341 Utah Water Agent \$4,000,000

1342 The Legislature intends that the one-time appropriation in this bill of \$3,000,000 from the
1343 General Fund be nonlapsing.

1344 Section 16. **Effective date.**

1345 This bill takes effect on May 1, 2024.