

**Senator Daniel McCay** proposes the following substitute bill:

**GOLF COURSE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill addresses water use by and management of golf courses.

**Highlighted Provisions:**

This bill:

- ▶ makes water data regarding golf courses a protected record under Government Records Access and Management Act;
- ▶ defines terms;
- ▶ requires a study of water use by golf courses;
- ▶ outlines process to be followed in conducting and reporting on the study;
- ▶ creates an advisory board related to golf that is subject to a sunset date; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329



26 [63I-1-279](#), as last amended by Laws of Utah 2023, Chapter 211

27 [79-2-201](#), as last amended by Laws of Utah 2023, Chapters 34, 205

28 ENACTS:

29 [79-4-207](#), Utah Code Annotated 1953

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

32 Section 1. Section [63G-2-305](#) is amended to read:

33 **[63G-2-305](#). Protected records.**

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

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

37 (2) commercial information or nonindividual financial information obtained from a  
38 person if:

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

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

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

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

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

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

55 (6) records, the disclosure of which would impair governmental procurement  
56 proceedings or give an unfair advantage to any person proposing to enter into a contract or

57 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
58 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
59 grant has been awarded and signed by all parties:

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

62 (i) an invitation for bids;

63 (ii) a request for proposals;

64 (iii) a request for quotes;

65 (iv) a grant; or

66 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

88 of the property; or

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

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

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

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

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

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

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

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

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

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

118 (11) records the disclosure of which would jeopardize the life or safety of an

119 individual;

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

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

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

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

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

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

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

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

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

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

146 (A) members of a legislative body;

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

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

149 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

150 legislative action or policy may not be classified as protected under this section;

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

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

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

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

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

164 (a) collective bargaining; or

165 (b) imminent or pending litigation;

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

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

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

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

177 (28) records of an institution within the state system of higher education defined in  
178 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
179 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
180 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of

181 the final decisions about tenure, appointments, retention, promotions, or those students  
182 admitted, may not be classified as protected under this section;

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

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

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

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

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

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

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

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

210 (37) the name of a donor or a prospective donor to a governmental entity, including an  
211 institution within the state system of higher education defined in Section [53B-1-102](#), and other

212 information concerning the donation that could reasonably be expected to reveal the identity of  
213 the donor, provided that:

214 (a) the donor requests anonymity in writing;

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

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

222 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
223 73-18-13;

224 (39) a notification of workers' compensation insurance coverage described in Section  
225 34A-2-205;

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

229 (i) unpublished lecture notes;

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

231 (A) relating to research; and

232 (B) of:

233 (I) the institution within the state system of higher education defined in Section  
234 53B-1-102; or

235 (II) a sponsor of sponsored research;

236 (iii) unpublished manuscripts;

237 (iv) creative works in process;

238 (v) scholarly correspondence; and

239 (vi) confidential information contained in research proposals;

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

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



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

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

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

253 (a) a production facility; or

254 (b) a magazine;

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

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

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

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

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

266 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
267 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
268 prepared or maintained by the Division of Emergency Management, and the disclosure of  
269 which would jeopardize:

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

271 (b) the security of:

272 (i) governmental property;

273 (ii) governmental programs; or

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

276 (49) records of the Department of Agriculture and Food that provides for the  
277 identification, tracing, or control of livestock diseases, including any program established under  
278 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
279 of Animal Disease;

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

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

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

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

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

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

294 (i) the nature of the law, ordinance, rule, or order; and  
295 (ii) the individual complying with the law, ordinance, rule, or order;

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

299 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
300 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
301 20A-9-408.5, 20A-9-502, or 20A-9-601;

302 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or  
303 (c) a notice of intent to gather signatures for candidacy, described in Section  
304 20A-9-408;

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

307 (a) conducted within the state system of higher education, as defined in Section  
308 [53B-1-102](#); and

309 (b) conducted using animals;

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

314 (55) information collected and a report prepared by the Judicial Performance  
315 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter  
316 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
317 the information or report;

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

320 (57) information requested by and provided to the 911 Division under Section  
321 [63H-7a-302](#);

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

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

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

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

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

335 (b) records and audit workpapers to the extent they would disclose the identity of a

336 person who, during the course of an investigation or audit, communicated the existence of any  
337 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
338 regulation adopted under the laws of this state, a political subdivision of the state, or any  
339 recognized entity of the United States, if the information was disclosed on the condition that  
340 the identity of the person be protected;

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

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

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

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

351 (61) information provided to the Department of Health and Human Services or the  
352 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections  
353 58-68-304(3) and (4);

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

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

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

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

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

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

364 (65) an audio or video recording created by a body-worn camera, as that term is  
365 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
366 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care

367 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
368 that term is defined in Section 26B-2-101, except for recordings that:

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

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

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

374 (d) contain an officer involved critical incident as defined in Subsection

375 76-2-408(1)(f); or

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

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

381 (67) an audio recording that is:

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

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

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

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

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

393 (68) records submitted by or prepared in relation to an applicant seeking a

394 recommendation by the Research and General Counsel Subcommittee, the Budget

395 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an

396 employment position with the Legislature;

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

398 (70) a record made available to Adult Protective Services or a law enforcement agency  
399 under Section 61-1-206;

400 (71) a record submitted to the Insurance Department in accordance with Section  
401 31A-37-201;

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

403 (73) any record created by the Division of Professional Licensing as a result of  
404 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

405 (74) a record described in Section 72-16-306 that relates to the reporting of an injury  
406 involving an amusement ride;

407 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual  
408 on a political petition, or on a request to withdraw a signature from a political petition,  
409 including a petition or request described in the following titles:

410 (a) Title 10, Utah Municipal Code;

411 (b) Title 17, Counties;

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

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

414 (e) Title 20A, Election Code;

415 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in  
416 a voter registration record;

417 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a  
418 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a  
419 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

420 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part  
421 5, Victims Guidelines for Prosecutors Act;

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

423 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is  
424 prohibited under Section 63G-26-103;

425 (81) an image taken of an individual during the process of booking the individual into  
426 jail, unless:

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

429 (b) a law enforcement agency releases or disseminates the image:  
430 (i) after determining that the individual is a fugitive or an imminent threat to an  
431 individual or to public safety and releasing or disseminating the image will assist in  
432 apprehending the individual or reducing or eliminating the threat; or  
433 (ii) to a potential witness or other individual with direct knowledge of events relevant  
434 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an  
435 individual in connection with the criminal investigation or criminal proceeding; or  
436 (c) a judge orders the release or dissemination of the image based on a finding that the  
437 release or dissemination is in furtherance of a legitimate law enforcement interest;

438 (82) a record:  
439 (a) concerning an interstate claim to the use of waters in the Colorado River system;  
440 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
441 representative from another state or the federal government as provided in Section  
442 [63M-14-205](#); and  
443 (c) the disclosure of which would:  
444 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
445 Colorado River system;  
446 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
447 negotiate the best terms and conditions regarding the use of water in the Colorado River  
448 system; or  
449 (iii) give an advantage to another state or to the federal government in negotiations  
450 regarding the use of water in the Colorado River system;

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

455 (84) the following records of a drinking water or wastewater facility:  
456 (a) an engineering or architectural drawing of the drinking water or wastewater facility;  
457 and  
458 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the  
459 drinking water or wastewater facility uses to secure, or prohibit access to, the records described

460 in Subsection (84)(a);

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

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

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

468 (86) any part of an application for a Utah Fits All Scholarship account described in  
469 Section 53F-6-402 or other information identifying a scholarship student as defined in Section  
470 53F-6-401; and

471 (87) a record:

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

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

476 (c) the disclosure of which would:

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

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

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

483 (88) a record of water data provided to the Utah State University Institute of Land, Air,  
484 and Water under Section 79-4-207.

485 Section 2. Section 63I-1-279 is amended to read:

486 **63I-1-279. Repeal dates: Title 79.**

487 (1) Subsection 79-2-201(2)(p), related to the Heritage Trees Advisory Committee, is  
488 repealed July 1, 2026.

489 (2) Subsection 79-2-201(2)(q), related to the Utah Outdoor Recreation Infrastructure  
490 Advisory Committee, is repealed July 1, 2027.



491 (3) Subsection 79-2-201(2)(r)(i), related to an advisory council created by the Division  
492 of Outdoor Recreation to advise on boating policies, is repealed July 1, 2024.

493 (4) Subsection 79-2-201(2)(s), related to the Wildlife Board Nominating Committee, is  
494 repealed July 1, 2028.

495 (5) Subsection 79-2-201(2)(t), related to regional advisory councils for the Wildlife  
496 Board, is repealed July 1, 2028.

497 (6) the following related to the Golf Advisory Board are repealed on July 1, 2029:

498 (a) Subsection 79-2-201(2)(x); and

499 (b) Subsection 79-4-207.

500 [~~6~~] (7) Section 79-7-206, creating the Utah Outdoor Recreation Infrastructure  
501 Advisory Committee, is repealed July 1, 2027.

502 [~~7~~] (8) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant  
503 Program, is repealed January 1, 2028.

504 Section 3. Section 79-2-201 is amended to read:

505 **79-2-201. Department of Natural Resources created.**

506 (1) There is created the Department of Natural Resources.

507 (2) The department comprises the following:

508 (a) Board of Water Resources, created in Section 73-10-1.5;

509 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;

510 (c) Board of State Parks, created in Section 79-4-301;

511 (d) Office of Energy Development, created in Section 79-6-401;

512 (e) Wildlife Board, created in Section 23A-2-301;

513 (f) Board of the Utah Geological Survey, created in Section 79-3-301;

514 (g) Water Development Coordinating Council, created in Section 73-10c-3;

515 (h) Division of Water Rights, created in Section 73-2-1.1;

516 (i) Division of Water Resources, created in Section 73-10-18;

517 (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;

518 (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;

519 (l) Division of State Parks, created in Section 79-4-201;

520 (m) Division of Outdoor Recreation, created in Section 79-7-201;

521 (n) Division of Wildlife Resources, created in Section 23A-2-201;

- 522 (o) Utah Geological Survey, created in Section [79-3-201](#);
- 523 (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 524 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 525 [79-7-206](#);
- 526 (r) (i) an advisory council that includes in the advisory council's duties advising on
- 527 state boating policy, authorized by Section [73-18-3.5](#); or
- 528 (ii) an advisory council that includes in the advisory council's duties advising on
- 529 off-highway vehicle use, authorized by Section [41-22-10](#);
- 530 (s) Wildlife Board Nominating Committee, created in Section [23A-2-302](#);
- 531 (t) Wildlife Regional Advisory Councils, created in Section [23A-2-303](#);
- 532 (u) Utah Watersheds Council, created in Section [73-10g-304](#);
- 533 (v) Utah Natural Resources Legacy Fund Board, created in Section [23A-3-305](#); [~~and~~]
- 534 (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#)[~~-~~]; and
- 535 (x) Golf Advisory Board created in Section [79-4-207](#).
- 536 (3) The department shall provide office space, furnishings, and supplies to the Great
- 537 Salt Lake commissioner appointed under Section [73-32-201](#), the Office of the Great Salt Lake
- 538 Commissioner created in Section [73-32-301](#), and support staff for the Office of the Great Salt
- 539 Lake Commissioner.

540 Section 4. Section [79-4-207](#) is enacted to read:

541 **[79-4-207](#). Water use by golf courses -- Golf Advisory Board.**

542 (1) As used in this section:

543 (a) "Advisory board" means the Golf Advisory Board created in Subsection (4).

544 (b) "Division" means the Division of State Parks.

545 (c) "Golf course" means:

546 (i) real property that may be used for golf, golf practice areas, or a driving range by the

547 public or by the members and guests of a private club; and

548 (ii) improvements to the real property described in Subsection (1)(c)(i), including turf,

549 bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees,

550 paths, and trails.

551 (d) "Institute" means the Utah State University Institute of Land, Air, and Water.

552 (2) (a) The Utah State University Institute of Land, Air, and Water shall study the use

553 of water on golf courses in the state.

554 (b) As part of the study under this Subsection (2), the institute shall identify best  
555 practices for water use for the unique elements of Utah's diverse geography and topography,  
556 including:

557 (i) surveying practices in similar climate states;

558 (ii) determining how much water is used by golf courses;

559 (iii) determining how much irrigable acreage is playing versus non-playing areas; and

560 (iv) recommending methods for capturing possible water savings.

561 (c) The institute shall work with owners and operators of golf courses to identify  
562 strategic water savings opportunities.

563 (d) Notwithstanding Section [63G-2-305](#), in preparing the report described in  
564 Subsection (2)(e), the institute shall consult and share data with the following stakeholders:

565 (i) two individuals selected by the Golf Alliance Utah;

566 (ii) one individual selected by the Utah Section of the Professional Golfers' Association  
567 of America;

568 (iii) one individual selected by the Utah Golf Association; and

569 (iv) three individuals selected by the Utah Golf Course Superintendents Association.

570 (e) The institute shall report the findings of the study, in a manner that does not  
571 identify golf courses, by no later than June 30, 2027, to the Legislative Water Development  
572 Commission created in Section [73-27-102](#).

573 (3) An owner or operator of a golf course in the state shall work with the institute as  
574 part of the study under Subsection (2).

575 (4) (a) There is created an advisory board known as the "Golf Advisory Board" that  
576 consists of the following six members:

577 (i) two members appointed by the president of the Senate;

578 (ii) two members appointed by the speaker of the House of Representatives;

579 (iii) one member appointed by the governor; and

580 (iv) the executive director of the Department of Natural Resources or the executive  
581 director's designee.

582 (b) Four members of the advisory board constitutes a quorum. The action of at least  
583 three members when a quorum is present constitutes action by the advisory board.

584 (c) The executive director of the Department of Natural Resources or executive  
585 director's designee shall chair the advisory board.

586 (d) (i) Except as required by Subsection (4)(d)(ii), appointed members of the advisory  
587 board are appointed to four-year terms.

588 (ii) The president of the Senate, the speaker of the House of Representatives, and the  
589 governor shall jointly, at the time of appointment or reappointment, adjust the length of terms  
590 to ensure that the terms of appointed board members are staggered so that approximately half  
591 of the advisory board is appointed every two years.

592 (e) A member of the advisory board may not receive compensation or benefits for the  
593 member's service, but may receive per diem and travel expenses in accordance with:

594 (i) Section [63A-3-106](#);

595 (ii) Section [63A-3-107](#); and

596 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
597 [63A-3-107](#).

598 (f) The advisory board shall:

599 (i) advise the division regarding water use at state-owned golf courses; and

600 (ii) assist in developing a master plan for state-owned golf courses.

601 **Section 5. Effective date.**

602 This bill takes effect on May 1, 2024.