

**MINUTES OF THE SENATE STATE AND LOCAL AFFAIRS
STANDING COMMITTEE
TUESDAY, FEBRUARY 6, 2001
ROOM 403, STATE CAPITOL BUILDING**

Members Present: Sen. Carlene M. Walker, Chair
Sen. Scott K. Jenkins
Sen. Paula F. Julander
Sen. Millie M. Peterson

Members Excused: Sen. Beverly Ann Evans
Sen. Peter C. Knudson
Sen. Al Mansell

Staff Present: Richard North, Research Analyst
Nadine Woodhead, Secretary

Public Speakers Present: Martin Knopp, Utah Department of Transportation
Tom Warne, Executive Director, Utah Department of
Transportation
Nancy Gibbs, Utah Rural Telecommunication Association
Ellen Aguilar, Magna Area Council
Mike Wims, Attorney General's Office
Tani Downing, Attorney
Larry Richardson, Salt Lake County Treasurer
Randy Covington, Utah County Recorder

Visitor List on File:

Chair Walker called the meeting to order at 8:20 a.m.

MOTION: Sen. Jenkins moved to approve the minutes of January 30, 2001.

The motion passed unanimously.

1. H.B. 202 511 Communications System (M. Dillree)

Rep. Dillree, assisted by Martin Knopp, UDOT, explained the bill.

Tom Warne, Executive Director, UDOT, spoke for the bill.

Nancy Gibbs, Utah Rural Telecommunication Assn., spoke to the bill.

Ellen Aguilar, Magna Area Council, spoke against the bill.

MOTION: Sen. Peterson moved to pass the bill with a favorable recommendation.

The motion passed with Sen. Julander voting against the bill.

2. **H.B. 88 Private Records Under Government Records Access and Management Act**
(C. Beshear)

Rep. Beshear presented the bill and distributed the following amendments:

- 1.. Page 1, Line 11: After "**statute.**" insert "**This act removes any liability for damages that a government entity or government employee may have if they negligently disclose certain private records. This act takes effect January 1, 2002.**"
2. Page 1, Line 23: After Line 23 insert:
"**63-2-803**, as last amended by Chapter 280, Laws of Utah 1992"
3. Page 16, Line 462: After "employee to" delete "any" and insert "each agency of a"
4. Page 16, Line 466: After "notice" insert "
(A) provide evidence of qualifying employment;
(B) designate each specific record that the applicant desires to be
classified as private; and
(C)"
5. Page 17, Line 496: After line 496 insert:
"Section 11. Section **63-2-803** is amended to read:
63-2-803. No liability for certain decisions of a governmental entity or a political subdivision.
Neither the governmental entity or political subdivision, nor any officer or employee of the governmental entity or political subdivision, is liable for damages resulting from the release of a record where the person or government requesting the record presented evidence of authority to obtain the record even if it is subsequently determined that the requester had no authority.

(2) Neither the governmental entity or political subdivision, nor any officer or employee of the governmental entity or political subdivision, is liable for damages arising from the negligent disclosure of records classified as private under Subsection 63-2-302(1)(a)(vi) unless:

(a) the disclosure was of employment records maintained by the governmental entity; or

(b) the disclosure was of non-employment records and the current or former government employee had filed the notice required by Subsection 63-2-302(1)(b)."

Renumber remaining section accordingly.

6. Page 18, Line 536: After line 536 insert:
"Section 12. **Effective date.**
This act takes effect January 1, 2002."

MOTION: Sen. Peterson moved to adopt the amendments.

The motion passed unanimously.

Mike Wims, Attorney General's Office, spoke for the bill.

Tani Downing, Attorney, suggested the following change to the amendment:

Page 16, Line 466: (B) request assistance by the agency to identify the records containing information in Subsection (1)(b)(i).

MOTION: Sen. Peterson moved to adopt the suggested language change.

The motion passed unanimously.

Larry Richardson, Salt Lake County Treasurer, and Randy Covington, Utah County Recorder, spoke for the bill.

MOTION: Sen. Peterson moved to pass the bill, as amended, with a favorable recommendation.

The motion passed unanimously.

3. **S.B. 116 Requirements to Incorporate a Town** (*B. Wright*)

Rep. Wright explained the bill.

The bill was held.

MOTION: Sen. Julander moved to adjourn.

The motion passed unanimously.

The meeting adjourned at 9:50 a.m.

Minutes reported by Nadine Woodhead

Sen. Carlene Walker, Committee Chair

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