

H.B. 122

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 18, 2009 2:21 PM

Representative **Douglas C. Aagard** proposes the following amendments:

1. *Page 1, Lines 21 through 23*

House Committee Amendments

2-9-2009:

21 ▶ prohibits a governmental entity's chief administrative officer, the records
22 committee, and a court from releasing certain protected records via means of a
23 balancing test unless it is determined, by clear and convincing evidence, that the public interest favoring
access to the record outweighs the interest favoring restriction of access to the record ; and

2. *Page 18, Lines 547 through 550:*

547 63G-2-406. Restrictions on release of certain enforcement and litigation records.

548 { ~~The provisions of Subsections 63G-2-401(6), 63G-2-403(11)(b), and 63G-2-404(8)(a)~~

549 ~~do not apply to records that are classified as protected under Subsection 63G-2-305(9), (10),~~

550 ~~(16), (17), (18), (23), (24), or (33).~~ } Records that are classified as protected under Subsections 63G-2-305(9), (10), (16), (17), (18), (23), (24), or (33) may be ordered to be disclosed under the provisions of Subsections 63G-2-401(6), 63G-2-403(11)(b), and 63G-2-404(8)(a) only if the person or party seeking disclosure of the record has established, by clear and convincing evidence, that the public interest favoring access outweighs the interest in favoring restriction of access.