

H.B. 122

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 25, 2009 7:11 PM

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 1, Lines 21 through 23b*

House Floor Amendments

2-18-2009:

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 ~~H~~→ unless it is determined, by a preponderance of the evidence or by clear and convincing
evidence, as applicable, that the public
23a interest favoring access to the record outweighs the interest favoring restriction of access to the
23b record ←H ; and

2. *Page 18, Lines 546 through 550e*

House Floor Amendments

2-18-2009:

546 Section 5. Section **63G-2-406** is enacted to read:
547 63G-2-406. {~~Restrictions on~~} Evidentiary standards for release of certain enforcement and
litigation records.
548 ~~H~~→ [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~~} (1) A record that is classified as protected
under {~~Subsections~~} Subsection
550a 63G-2-305(9), {~~(10)~~} (16), (17), (18), (23), (24), or (33) may be ordered to be disclosed under the
550b provisions of Subsections 63G-2-401(6), 63G-2-403(11)(b), and 63G-2-404(8)(a) only if the
550c person or party seeking disclosure of the record has established, by a preponderance of the evidence, that
the public interest favoring access outweighs the interest favoring restriction of access.
(2) A record that is classified as protected under Subsection 65G-2-305(10) 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) only if
the person or party seeking disclosure of the record has established, by clear and convincing
550d evidence, that the public interest favoring access outweighs the interest {~~in~~} favoring restriction
550e of access. ←H