

## SB0232S01 compared with SB0232

~~{deleted text}~~ shows text that was in SB0232 but was deleted in SB0232S01.

inserted text shows text that was not in SB0232 but was inserted into SB0232S01.

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Senator Daniel W. Thatcher proposes the following substitute bill:

### SCHOOL SAFETY TIP LINE

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

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

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#### LONG TITLE

#### General Description:

This bill ~~{establishes a}~~ enacts provisions related to a statewide School Safety Tip Line.

#### Highlighted Provisions:

This bill:

- ▶ ~~{provides for the creation of a statewide School Safety Tip Line to provide a means for a public school student, parent, school employee, or citizen to make an anonymous report concerning unsafe, violent, or criminal activities, or the threat of such activities}~~ defines terms;
- ▶ designates the abbreviated dialing code "311" ~~{for use by the}~~ as a statewide School Safety Tip Line ~~{beginning September 1, 2015}~~ subject to certain exceptions;
- ▶ establishes the School Safety Tip Line ~~{Governing Board;~~

~~→ requires the State Board of Education to revise certain policies and curricula to~~

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- ~~include information related to the School Safety Tip Line;~~
- ~~requires a School Safety Tip Line operator to operate 24 hours a day, seven days a week and be staffed by licensed social workers;~~
- ~~requires a local school board or a charter school governing board to revise certain policies to include information related to the School Safety Tip Line; and~~
- ~~provides that a record or report of information received through the School Safety Tip Line is classified as a protected record under the Government Records Access and Management Act;~~ Commission within the Office of the Attorney General;
- ▶ requires the School Safety Tip Line ~~{Governing Board to report an estimation of the cost of operating the School Safety Tip Line to certain Legislative committees; and~~
- ~~makes technical changes;~~ Commission to:
  - accomplish certain tasks; and
  - report to the Education Interim Committee and the Executive Appropriations Committee; and
- ▶ establishes a repeal date.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

- ~~{53A-11-901}~~ 63I-1-253, as last amended by Laws of Utah ~~{2007}~~ 2012, Chapter ~~{161}~~
  - ~~53A-11-902~~, as last amended by Laws of Utah 2010, Chapter 207
  - ~~53A-15-1302~~, as enacted by Laws of Utah 2013, Chapter 139
  - ~~63G-2-305~~, as last amended by Laws of Utah 2013, Chapters 12, 445, and 447
- †369

ENACTS:

- 53A-11-1501, Utah Code Annotated 1953
- 53A-11-1502, Utah Code Annotated 1953
- 53A-11-1503, Utah Code Annotated 1953
- 53A-11-1504, Utah Code Annotated 1953

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53A-11-1505, Utah Code Annotated 1953

~~{ 53A-11-1506, Utah Code Annotated 1953~~

~~53A-11-1507, Utah Code Annotated 1953~~

~~53A-11-1508, Utah Code Annotated 1953~~

~~53A-11-1509, Utah Code Annotated 1953~~

~~53A-11-1510, Utah Code Annotated 1953~~

~~53A-11-1511, Utah Code Annotated 1953~~

~~}~~

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

Section 1. Section ~~{53A-11-901}~~ 53A-11-1501 is ~~{~~amended to read:

~~53A-11-901. Public school discipline policies -- Basis of the policies --~~

**Enforcement.**

~~(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.~~

~~(2) (a) To foster such an environment, each local school board or governing board of a charter school, with input from school employees, parents and guardians of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools.~~

~~(b) Each district or charter school shall base its policies on the principle that every student is expected:~~

~~(i) to follow accepted rules of conduct; and~~

~~(ii) to show respect for other people and to obey persons in authority at the school.~~

~~(c) (i) [The State Superintendent of Public Instruction shall develop] On or before September 1, 2015, the State Board of Education shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the School Safety Tip Line established in Section 53A-11-1503.~~

~~(ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.~~

~~(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.~~

~~(3) The local superintendent and designated employees of the district or charter school~~

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shall enforce the policies so that students demonstrating unacceptable behavior and their parents or guardians understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies:

— Section 2. Section ~~53A-11-902~~ is amended to read:

— ~~53A-11-902. Conduct and discipline policies and procedures.~~

— The conduct and discipline policies required under Section 53A-11-901 shall include:

— (1) provisions governing student conduct, safety, and welfare;

— (2) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;

— (3) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (2);

— (4) procedures for the use of reasonable and necessary physical restraint or force in dealing with disruptive students, consistent with Section 53A-11-802;

— (5) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (2), if the conduct threatens harm or does harm to:

— (a) the school;

— (b) school property;

— (c) a person associated with the school; or

— (d) property associated with a person described in Subsection (5)(c);

— (6) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;

— (7) specific provisions, consistent with Section 53A-15-603, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events; [and]

— (8) standards and procedures for dealing with habitual disruptive student behavior in accordance with the provisions of this part[.]; and

— (9) procedures for responding to reports received through the School Safety Tip Line established in Section 53A-11-1503.

— Section 3. Section ~~53A-11-1501~~ is enacted to read:

enacted to read:

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## Part 15. School Safety Tip Line

### **53A-11-1501. Title.**

This part is known as "School Safety Tip Line."

Section ~~{4}~~2. Section **53A-11-1502** is enacted to read:

### **53A-11-1502. Definitions.**

As used in this part:

(1) "311" means the abbreviated dialing code assigned by the Federal Communications Commission for quickly accessing nonemergency services.

(2) "~~{Governing board}~~Commission" means the School Safety Tip Line ~~{Governing Board}~~Commission established in Section 53A-11-1504.

~~{~~ (3) "Reporting party" means an individual who calls the School Safety Tip Line.

~~——~~ (4) "School Safety Tip Line operator" means a public or nonprofit agency or organization designated by the board to provide School Safety Tip Line services.

~~‡~~ Section ~~{5}~~3. Section **53A-11-1503** is enacted to read:

**53A-11-1503.** ~~{ School}~~ 311 designated as a School Safety Tip Line ~~{ established -- 311 designation}~~.

(1) ~~{ There}~~ (a) Except as provided in Subsection (1)(b), 311 is ~~{ established}~~ designated as a School Safety Tip Line to provide a means for a public school student, parent, school employee, or citizen ~~{ to dial 311}~~ to make anonymous reports concerning unsafe, violent, or criminal activities, or the threat of such activities.

~~{2}~~ Beginning September 1, 2015, only an entity approved by the governing board under Subsection 53A-11-1505(1)(a) may provide 311 telephone services in this state.

~~——~~ Section 6}b) An entity using 311 in this state for purposes other than a School Safety Tip Line for at least six months as of May 13, 2014, may continue using 311 for other purposes.

Section 4. Section **53A-11-1504** is enacted to read:

**53A-11-1504. School Safety Tip Line** ~~{Governing Board}~~Commission established -- **Members.**

(1) There is created the School Safety Tip Line ~~{Governing Board}~~Commission, within the Office of the Attorney General, composed of the following members:

(a) one member who represents the Office of the Attorney General, appointed by the

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attorney general;

(b) two members who represent the Utah Public Education System, appointed by the State Board of Education;

(c) one member who represents ~~{parents}~~the Utah Department of Health, appointed by the ~~{Utah Parent Teachers Association};~~

~~—— (d) one member who has experience operating a call center with a mission similar to the School Safety Tip Line, appointed by the attorney general;~~

~~—— (e)executive director of the Department of Health;~~

(d) two members of the House of Representatives, appointed by the speaker of the House of Representatives; and

(~~{f}~~e) two members of the Senate, appointed by the president of the Senate.

~~{ —— (2) Except as required in Subsection (3), members shall be appointed to four-year terms.~~

~~—— (3) Notwithstanding the requirements of Subsection (2), the length of terms of the members shall be staggered so that approximately half of the committee is appointed every two years.~~

~~{ (4)2} (a) The attorney general's designee shall serve as chair of the ~~{board}~~commission.~~

(b) The chair shall set the agenda for ~~{board meetings}~~.

~~—— (5) When a vacancy occurs in the membership of the governing board, the replacement shall be appointed for the unexpired term.~~

~~—— (6)commission meetings.~~

(3) Attendance of a simple majority of the members constitutes a quorum for the transaction of official ~~{board}~~commission business.

(~~{7}~~4) Formal action by the ~~{governing board}~~commission requires a majority vote of a quorum.

(~~{8}~~5) (a) ~~{A}~~Except as provided in Subsection (5)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(~~{9}~~6) The Office of the Attorney General shall provide staff support to the ~~{governing~~

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~~board~~commission.

Section ~~{7}~~5. Section 53A-11-1505 is enacted to read:

**53A-11-1505. School Safety Tip Line** ~~{Governing Board responsibilities.~~

~~(1) On or before September 1, 2015, the governing board shall:~~

~~(a) designate one or more approved~~Commission duties -- Reporting requirements.

(1) (a) The commission shall:

(i) designate a School Safety Tip Line ~~{operators}~~provider network after consideration of~~;~~

~~(i) the financial stability of the proposed operator;~~

~~(ii) the community support for the proposed operator, including~~ the ability of the proposed ~~{operator to raise private donations to fund the operation of the School Safety Tip Line;~~

~~(iii) the ability of the proposed operator to:~~

~~(A) meet the requirements of Section 53A-11-1507; and~~

~~(B) effectively respond to the sensitive nature of the reports that may be received through the tip line; and~~

~~(iv) other criteria that the governing board considers appropriate;~~

~~(b) establish procedures to ensure that:~~

~~(i) the identity of a reporting party remains unknown to all persons unless:~~

~~(A) the reporting party voluntarily discloses the reporting party's identity; and~~

~~(B) the School Safety Tip Line operator verifies that the reporting party is willing to be identified;~~

~~(ii) an individual who receives information through the School Safety Tip Line prepares a record or report of the information received;~~

~~(iii) when necessary, a report received through the School Safety Tip Line is promptly forwarded to the appropriate principal or appropriate law enforcement officials; and~~

~~(iv) the School Safety Tip Line operator facilitates school district and charter school compliance with state and federal law; and~~

~~(c) estimate the cost of the operation of the School Safety Tip Line, including the extent to which it will be funded by private donations;~~

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~~Section 8. Section 53A-11-1506 is enacted to read:~~

~~53A-11-1506. State Board of Education responsibilities:~~

~~The State Board of Education shall:~~

~~(1) revise the conduct and discipline policy model, as required in Section 53A-11-901 to include procedures for responding to reports received through the School Safety Tip Line; and~~

~~(2) revise the curriculum developed by the governing board for the parent seminar described in Section 53A-15-1302 to include information about the School Safety Tip Line.~~

~~Section 9. Section 53A-11-1507 is enacted to read:~~

~~53A-11-1507. School Safety Tip Line operator responsibilities:~~

~~A School Safety Tip Line operator shall:~~

~~(1) provider network's ability to:~~

~~(A) provide the services described in {this part and as required by the governing board} Section 53A-11-1503 24 hours a day, seven days a week; and~~

~~{2}B) {be staffed by} employ, as operators, social workers licensed by the Division of Occupational and Professional Licensing under Section 58-60-204; and~~

~~{3} follow the procedures established by the governing board under Subsection 53A-11-1505(1)(b);~~

~~Section 10. Section 53A-11-1508 is enacted to read:~~

~~53A-11-1508. Local school board or charter school governing board responsibilities:~~

~~On or before September 1, 2015, a local school board or charter school governing board shall revise the conduct and discipline policies described in Section 53A-11-902 to include procedures for responding to reports received through the {ii) estimate the cost of operating a School Safety Tip Line including the extent to which operations will be funded through private donations and grants.~~

~~(b) The commission may conduct other business related to establishing a School Safety Tip Line.~~

~~(2) The commission shall report to the Education Interim Committee and the Executive Appropriations Committee before November 30, 2014, regarding:~~

~~(a) how the commission fulfilled its duties during the year; and~~

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(b) recommendations for future legislation related to a School Safety Tip Line.

Section 6. Section 63I-1-253 is amended to read:

**63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

The following provisions are repealed on the following dates:

(1) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

(2) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is repealed July 1, 2020.

(3) Title 53A, Chapter 11, Part 15, School Safety Tip Line:

~~Section 11. Section 53A-11-1509 is enacted to read:~~

~~**53A-11-1509. Immunity from liability.**~~

~~A person who in good faith reports information to the School Safety Tip Line and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.~~

~~Section 12. Section 53A-11-1510 is enacted to read:~~

~~**53A-11-1510. Designation of a report received as a protected record.**~~

~~A record or report of information received through the School Safety Tip Line is a protected record under Subsection 63G-2-305(66).~~

~~Section 13. Section 53A-11-1511 is enacted to read:~~

~~**53A-11-1511. Report to the Legislature.**~~

~~The board shall report the estimation described in Subsection 53A-11-1505(1)(c) to the Education Interim Committee and the Executive Appropriations Committee on or before each committee's November 2014 meeting.~~

~~Section 14. Section 53A-15-1302 is amended to read:~~

~~**53A-15-1302. Parent education -- Mental health -- Bullying -- Safety.**~~

~~(1) (a) Except as provided in Subsection (5), a school district shall offer a seminar for parents of students in the school district that:~~

~~(i) is offered at no cost to parents;~~

~~(ii) begins at or after 6 p.m.;~~

~~(iii) is held in at least one school located in the school district;~~

~~(iv) is offered once a year; and~~

~~(v) covers the topics described in Subsection (2).~~

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- ~~(b) A school district may:~~
- ~~(i) develop its own curriculum for the seminar described in Subsection (1)(a); or~~
  - ~~(ii) use the curriculum developed by the State Board of Education under Subsection (2);~~
  - ~~(c) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of the parent seminar, so the charter school may inform parents of the seminar;~~
- ~~(2) The State Board of Education shall:~~
- ~~(a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:~~
  - ~~(i) substance abuse, including illegal drugs and prescription drugs and prevention;~~
  - ~~(ii) bullying;~~
  - ~~(iii) mental health, depression, and suicide awareness; [and]~~
  - ~~(iv) Internet safety, including pornography addiction; and~~
  - ~~(v) the School Safety Tip Line established; is repealed July 1, 2015.~~
- ~~[(3)] (4) The State Instructional Materials Commission, created in Section {53A-11-1503; and~~
- ~~(b) provide the curriculum, including resources and training, to school districts upon request;~~
- ~~[(3) The State Board of Education shall report to the Legislature's Education Interim Committee, by the November 2013 meeting, on the progress of implementation of the parent seminar, including if a local school board has opted out of providing the parent seminar, as described in Subsection (5), and the reasons why a local school board opted out.]~~
- ~~[(4)] (3) The State Board of Education shall report to the Legislature's Education Interim Committee by the November 2014 meeting on:~~
- ~~(a) the progress of implementation of the parent seminar;~~
  - ~~(b) the estimated attendance reported by each school district;~~
  - ~~(c) a recommendation of whether to continue the parent seminar program; and~~
  - ~~(d) if a local school board has opted out of providing the parent seminar, as described in Subsection [(5)] (4), and the reasons why a local school board opted out;~~
- ~~[(5)] (4) (a) A school district is not required to offer the parent seminar if the local~~

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~~school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district:~~

~~—— (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the State Board of Education and provide the reasons why the local school board chose not to offer the parent seminar:~~

~~—— Section 15. Section **63G-2-305** is amended to read:~~

~~—— **63G-2-305. Protected records.**~~

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

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

~~—— (2) commercial information or nonindividual financial information obtained from a person if:~~

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

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

~~—— (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;~~

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

~~—— (4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);~~

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

~~—— (6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this~~

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~~Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties, a bid, proposal, application, or other information submitted to or by a governmental entity in response to:~~

~~—— (a) an invitation for bids;~~

~~—— (b) a request for proposals;~~

~~—— (c) a request for quotes;~~

~~—— (d) a grant; or~~

~~—— (e) other similar document;~~

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

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

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

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

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

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

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

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

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

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

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~~the property as required under Section 78B-6-505;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (A) members of a legislative body;~~

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

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

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

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

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

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

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

~~—— (22) drafts, unless otherwise classified as public;~~

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

~~—— (a) collective bargaining; or~~

~~—— (b) imminent or pending litigation;~~

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

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

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

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

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

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

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

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

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

~~—— (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;~~

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

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

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

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

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

~~—— (a) the donor requests anonymity in writing;~~

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

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

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

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

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

~~—— (i) unpublished lecture notes;~~

~~—— (ii) unpublished notes, data, and information:~~

~~—— (A) relating to research; and~~

~~—— (B) of:~~

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

~~—— (H) a sponsor of sponsored research;~~

~~—— (iii) unpublished manuscripts;~~

~~—— (iv) creative works in process;~~

~~—— (v) scholarly correspondence; and~~

~~—— (vi) confidential information contained in research proposals;~~

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

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

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

## SB0232S01 compared with SB0232

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

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

~~—— (a) a production facility; or~~

~~—— (b) a magazine;~~

~~—— (43) information:~~

~~—— (a) contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1; or~~

~~—— (b) received or maintained in relation to the Identity Theft Reporting Information System (IRIS) established under Section 67-5-22;~~

~~—— (44) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;~~

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

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

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

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

~~—— (a) the safety of the general public; or~~

~~—— (b) the security of:~~

~~—— (i) governmental property;~~

~~—— (ii) governmental programs; or~~

## SB0232S01 compared with SB0232

- ~~—— (iii) the property of a private person who provides the Division of Emergency Management information;~~
- ~~—— (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or Title 4, Chapter 31, Control of Animal Disease;~~
- ~~—— (50) as provided in Section 26-39-501:~~
  - ~~—— (a) information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and~~
  - ~~—— (b) information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care;~~
- ~~—— (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:~~
  - ~~—— (a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and~~
  - ~~—— (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:~~
    - ~~—— (i) the nature of the law, ordinance, rule, or order; and~~
    - ~~—— (ii) the individual complying with the law, ordinance, rule, or order;~~
- ~~—— (52) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:~~
  - ~~—— (a) conducted within the state system of higher education, as defined in Section 53B-1-102; and~~
  - ~~—— (b) conducted using animals;~~
- ~~—— (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement Private Proposal Program, to the extent not made public by rules made under that chapter;~~
- ~~—— (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote on whether or not to recommend that the voters retain a judge;~~

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- ~~—— (55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;~~
- ~~—— (56) records contained in the Management Information System created in Section 62A-4a-1003;~~
- ~~—— (57) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63J-4-603;~~
- ~~—— (58) information requested by and provided to the Utah State 911 Committee under Section 53-10-602;~~
- ~~—— (59) recorded Children's Justice Center investigative interviews, both video and audio, the release of which are governed by Section 77-37-4;~~
- ~~—— (60) in accordance with Section 73-10-33;~~
- ~~—— (a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or~~
- ~~—— (b) an outline of an emergency response plan in possession of the state or a county or municipality;~~
- ~~—— (61) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:~~
  - ~~—— (a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;~~
  - ~~—— (b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;~~

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- ~~—— (c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;~~
- ~~—— (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or~~
- ~~—— (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;~~
- ~~—— (62) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or abuse;~~
- ~~—— (63) information provided to the Department of Health or the Division of Occupational and Professional Licensing under Subsection 58-68-304(3) or (4);~~
- ~~—— (64) a record described in Section 63G-12-210; [and]~~
- ~~—— (65) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003[.]; and~~
- ~~—— (66) a record or report of information received through the School Safety Tip Line established in Section 53A-11-1503.~~

### Legislative Review Note

~~—— as of 2-18-14 8:57 AM~~

~~—Office of Legislative Research and General Counsel; 53A-14-101, is repealed July 1, 2016.~~

~~[(4)] (5) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.~~

~~[(5)] (6) Section 53A-16-114 is repealed December 31, 2016.~~

~~[(6)] (7) Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed July 1, 2016.~~

~~[(7)] (8) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells, other~~

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hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.