



UTAH STATE SENATE

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February 6, 2001

Mr. President:

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 88**, PRIVATE RECORDS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Representative C. Beshear, with 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"

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4. Page 16, Line 466:

After "notice" insert ":

(A) provide evidence of qualifying employment;

(B) request assistance by the agency to identify the records containing information in Subsection (1)(b)(i).

(C) designate each specific record that the applicant desires to be classified as private; and (D)"

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

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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."

Respectfully,

Carlene M. Walker
Committee Chair

Voting: 4-0-3

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