



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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January 25, 2008

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 33**, WAIVERS OF IMMUNITY - EXCEPTIONS, by Representative G. Hughes, with the following amendments:

1. *Page 2, Lines 52 through 55:*

52 (ii) except as provided in Subsection (4), with a conscious disregard for the
rights of others, failed to disclose evidence that:

53 (A) was known to the person, official, or institution; and

54 (B) was known by the person, official, or institution to be relevant to an issue or
matter

55 of inquiry in a judicial or administrative proceeding.

(4) Immunity is not lost under Subsection (3)(c)(ii), if the person, official, or institution failed to disclose evidence described in Subsection (3)(c)(ii), because the person, official, or institution is:

(a) prohibited by law from disclosing the evidence for use in the judicial or administrative proceeding; or

(b) permitted to refuse to disclose the evidence for use in the judicial or administrative proceeding, pursuant to the provisions 45 CFR 164.502(g)(5).

2. *Page 4, Lines 101 through 104:*

101 (B) except as provided in Subsection (3)(d), with a conscious disregard for the
rights of others, failed to disclose evidence that:

102 (I) was known to the employee; and

103 (II) was known by the employee to be relevant to an issue or matter of inquiry in a
104 judicial or administrative proceeding.

(d) The exception, described in Subsection (3)(c)(v)(B), allowing a plaintiff to bring or pursue a civil action or proceeding against an employee, does not apply if the employee failed to disclose evidence described in Subsection (3)(c)(v)(B), on the grounds that the employee is:

(i) prohibited by law from disclosing the evidence for use in the judicial or administrative proceeding; or

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(ii) permitted to refuse to disclose the evidence for use in the judicial or administrative proceeding, pursuant to the provisions of 45 CFR 164.502(g)(5).

Respectfully,

Douglas C. Aagard
Committee Chair

Voting: 13-0-0

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