

GOVERNMENT RECORDS AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill changes the name of the Archives and Records Service chapter and modifies government records provisions.

Highlighted Provisions:

This bill:

- ▶ renames the Archives and Records Service chapter to the Public Records Management Act;
- ▶ adopts definitions from Government Records Access and Management Act; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-12-100, as enacted by Laws of Utah 2009, Chapter 44

63G-2-502, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

63A-12-100.5, Utah Code Annotated 1953



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

29 Section 1. Section **63A-12-100** is amended to read:

30 **CHAPTER 12. PUBLIC RECORDS MANAGEMENT ACT**

31 **63A-12-100. Title.**

32 [~~(1)~~] This chapter is known as [~~"Archives and Records Service."~~] the "Public Records
33 Management Act."

34 [~~(2)~~ As used in this chapter, "governmental entity" has the same meaning as in Section
35 ~~63G-2-103.~~]

36 Section 2. Section **63A-12-100.5** is enacted to read:

37 **63A-12-100.5. Definitions.**

38 The definitions in Section 63G-2-103 apply to this chapter.

39 Section 3. Section **63G-2-502** is amended to read:

40 **63G-2-502. State Records Committee -- Duties.**

41 (1) The records committee shall:

- 42 (a) meet at least once every three months;
- 43 (b) review and approve schedules for the retention and disposal of records;
- 44 (c) hear appeals from determinations of access as provided by Section 63G-2-403; and
- 45 (d) appoint a chairman from among its members.

46 (2) The records committee may:

- 47 (a) make rules to govern its own proceedings as provided by Title 63G, Chapter 3,
48 Utah Administrative Rulemaking Act; and
- 49 (b) by order, after notice and hearing, reassign classification and designation for any
50 record series by a governmental entity if the governmental entity's classification or designation
51 is inconsistent with this chapter.

52 (3) The records committee shall annually appoint an executive secretary to the records
53 committee. The executive secretary may not serve as a voting member of the committee.

54 (4) Five members of the records committee are a quorum for the transaction of
55 business.

56 (5) The state archives shall provide staff and support services for the records
57 committee.

58 (6) Unless otherwise reimbursed, the citizen member, the individual in the private

59 sector, and the representative of the news media shall receive a per diem as established by the
60 Division of Finance in Section 63A-3-106.

61 (7) If the records committee reassigns the classification or designation of a record or
62 record series under Subsection (2)(b), any affected governmental entity or any other interested
63 person may appeal the reclassification or redesignation to the district court. The district court
64 shall hear the matter de novo.

65 (8) The Office of the Attorney General shall provide counsel to the records committee
66 and shall review proposed retention schedules.

Legislative Review Note
as of **1-22-10 10:00 AM**

Office of Legislative Research and General Counsel