

**GOVERNMENT RECORDS ACCESS AND
MANAGEMENT ACT REVISIONS**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Government Records Access and Management Act.

Highlighted Provisions:

This bill:

- ▶ provides that a governmental entity shall provide compensation information for an employee or officer by name if the employee or officer is elected or appointed;
- ▶ provides that a governmental entity shall provide compensation information for all other employees as identified by job title, rather than name;
- ▶ provides that gross compensation be provided as a range; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-2-301, as last amended by Laws of Utah 2009, Chapter 344

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



28 Section 1. Section **63G-2-301** is amended to read:

29 **63G-2-301. Records that must be disclosed.**

30 (1) As used in this section:

31 (a) "Business address" means a single address of a governmental agency designated for
32 the public to contact an employee or officer of the governmental agency.

33 (b) "Business email address" means a single email address of a governmental agency
34 designated for the public to contact an employee or officer of the governmental agency.

35 (c) "Business telephone number" means a single telephone number of a governmental
36 agency designated for the public to contact an employee or officer of the governmental agency.

37 (2) The following records are public except to the extent they contain information
38 expressly permitted to be treated confidentially under the provisions of Subsections
39 63G-2-201(3)(b) and (6)(a):

40 (a) laws;

41 (b) the name, gender, [~~gross compensation,~~] job title, job description, business address,
42 business email address, business telephone number, number of hours worked per pay period,
43 dates of employment, and relevant education, previous employment, and similar job
44 qualifications of a current or former employee or officer of the governmental entity, excluding:

45 (i) undercover law enforcement personnel; and

46 (ii) investigative personnel if disclosure could reasonably be expected to impair the
47 effectiveness of investigations or endanger any individual's safety;

48 (c) the following compensation information for the employees and officers of the
49 governmental entity:

50 (i) for an employee or officer that is elected or appointed:

51 (A) the name of the employee or officer;

52 (B) the job title of the employee or officer; and

53 (C) the range of the employee's or officer's gross compensation, shown in the following
54 format:

55 (I) \$1 to \$10,000;

56 (II) \$10,001 to \$20,000;

57 (III) \$20,001 to \$30,000;

58 (IV) \$30,001 to \$40,000;

59 (V) \$40,001 to \$50,000; or
60 (VI) a higher range, formatted as above, continuing in \$10,000 increments; and
61 (ii) for an employee or officer that is not elected or appointed:
62 (A) the job title of the employee or officer; and
63 (B) the range of the employee's or officer's gross compensation, shown in the following
64 format:

- 65 (I) \$1 to \$25,000;
- 66 (II) \$25,001 to \$50,000;
- 67 (III) \$50,001 to \$75,000;
- 68 (IV) \$75,001 to \$100,000;
- 69 (V) \$100,001 to \$125,000; or
- 70 (VI) a higher range, formatted as above, continuing in \$25,000 increments;

71 ~~(c)~~ (d) final opinions, including concurring and dissenting opinions, and orders that
72 are made by a governmental entity in an administrative, adjudicative, or judicial proceeding
73 except that if the proceedings were properly closed to the public, the opinion and order may be
74 withheld to the extent that they contain information that is private, controlled, or protected;

75 ~~(d)~~ (e) final interpretations of statutes or rules by a governmental entity unless
76 classified as protected as provided in Subsections 63G-2-305(16), (17), and (18);

77 ~~(e)~~ (f) information contained in or compiled from a transcript, minutes, or report of
78 the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
79 Open and Public Meetings Act, including the records of all votes of each member of the
80 governmental entity;

81 ~~(f)~~ (g) judicial records unless a court orders the records to be restricted under the
82 rules of civil or criminal procedure or unless the records are private under this chapter;

83 ~~(g)~~ (h) unless otherwise classified as private under Section 63G-2-303, records or
84 parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors,
85 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and
86 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of
87 Water Rights, or other governmental entities that give public notice of:

- 88 (i) titles or encumbrances to real property;
- 89 (ii) restrictions on the use of real property;

- 90 (iii) the capacity of persons to take or convey title to real property; or
- 91 (iv) tax status for real and personal property;
- 92 ~~[(h)]~~ (i) records of the Department of Commerce that evidence incorporations, mergers,
- 93 name changes, and uniform commercial code filings;
- 94 ~~[(i)]~~ (j) data on individuals that would otherwise be private under this chapter if the
- 95 individual who is the subject of the record has given the governmental entity written
- 96 permission to make the records available to the public;
- 97 ~~[(j)]~~ (k) documentation of the compensation that a governmental entity pays to a
- 98 contractor or private provider;
- 99 ~~[(k)]~~ (l) summary data; and
- 100 ~~[(l)]~~ (m) voter registration records, including an individual's voting history, except for
- 101 those parts of the record that are classified as private in Subsection 63G-2-302(1)(i).
- 102 (3) The following records are normally public, but to the extent that a record is
- 103 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
- 104 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 105 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 106 (b) records documenting a contractor's or private provider's compliance with the terms
- 107 of a contract with a governmental entity;
- 108 (c) records documenting the services provided by a contractor or a private provider to
- 109 the extent the records would be public if prepared by the governmental entity;
- 110 (d) contracts entered into by a governmental entity;
- 111 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
- 112 by a governmental entity;
- 113 (f) records relating to government assistance or incentives publicly disclosed,
- 114 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
- 115 business in Utah, except as provided in Subsection 63G-2-305(35);
- 116 (g) chronological logs and initial contact reports;
- 117 (h) correspondence by and with a governmental entity in which the governmental entity
- 118 determines or states an opinion upon the rights of the state, a political subdivision, the public,
- 119 or any person;
- 120 (i) empirical data contained in drafts if:

- 121 (i) the empirical data is not reasonably available to the requester elsewhere in similar
- 122 form; and
- 123 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
- 124 make nonsubstantive changes before release;
- 125 (j) drafts that are circulated to anyone other than:
- 126 (i) a governmental entity;
- 127 (ii) a political subdivision;
- 128 (iii) a federal agency if the governmental entity and the federal agency are jointly
- 129 responsible for implementation of a program or project that has been legislatively approved;
- 130 (iv) a government-managed corporation; or
- 131 (v) a contractor or private provider;
- 132 (k) drafts that have never been finalized but were relied upon by the governmental
- 133 entity in carrying out action or policy;
- 134 (l) original data in a computer program if the governmental entity chooses not to
- 135 disclose the program;
- 136 (m) arrest warrants after issuance, except that, for good cause, a court may order
- 137 restricted access to arrest warrants prior to service;
- 138 (n) search warrants after execution and filing of the return, except that a court, for good
- 139 cause, may order restricted access to search warrants prior to trial;
- 140 (o) records that would disclose information relating to formal charges or disciplinary
- 141 actions against a past or present governmental entity employee if:
- 142 (i) the disciplinary action has been completed and all time periods for administrative
- 143 appeal have expired; and
- 144 (ii) the charges on which the disciplinary action was based were sustained;
- 145 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
- 146 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
- 147 evidence mineral production on government lands;
- 148 (q) final audit reports;
- 149 (r) occupational and professional licenses;
- 150 (s) business licenses; and
- 151 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar

152 records used to initiate proceedings for discipline or sanctions against persons regulated by a
153 governmental entity, but not including records that initiate employee discipline.

154 (4) The list of public records in this section is not exhaustive and should not be used to
155 limit access to records.

Legislative Review Note
as of 1-27-10 4:24 PM

Office of Legislative Research and General Counsel