

1 **LEGISLATIVE HIRING PRACTICES AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne L. Niederhauser**

5 House Sponsor: Brad R. Wilson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Open and Public Meetings Act and the Government Records
10 Access and Management Act in relation to the employment recommendation process
11 for Legislative Management subcommittees.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that certain meetings of the following subcommittees of the Legislative
15 Management Committee are not subject to the provisions of the Open and Public
16 Meetings Act when they are meeting in relation to making an employment
17 recommendation to the Legislature:

- 18 • the Research and General Counsel Subcommittee;
- 19 • the Budget Subcommittee; and
- 20 • the Audit Subcommittee; and

21 ▶ classifies certain records relating to subcommittee employment recommendations of
22 the Legislature as protected records.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **52-4-103**, as last amended by Laws of Utah 2017, Chapters 196, 277, and 441

30 **63G-2-305**, as last amended by Laws of Utah 2017, Chapters 374, 382, and 415



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **52-4-103** is amended to read:

34 **52-4-103. Definitions.**

35 As used in this chapter:

36 (1) "Anchor location" means the physical location from which:

- 37 (a) an electronic meeting originates; or
- 38 (b) the participants are connected.

39 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
40 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
41 City.

42 (3) "Convening" means the calling together of a public body by a person authorized to
43 do so for the express purpose of discussing or acting upon a subject over which that public
44 body has jurisdiction or advisory power.

45 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
46 conference using electronic communications.

47 (5) "Electronic message" means a communication transmitted electronically, including:

- 48 (a) electronic mail;
- 49 (b) instant messaging;
- 50 (c) electronic chat;
- 51 (d) text messaging as defined in Section **76-4-401**; or
- 52 (e) any other method that conveys a message or facilitates communication

53 electronically.

54 (6) (a) "Meeting" means the convening of a public body or a specified body, with a
55 quorum present, including a workshop or an executive session, whether in person or by means
56 of electronic communications, for the purpose of discussing, receiving comments from the
57 public about, or acting upon a matter over which the public body or specific body has

58 jurisdiction or advisory power.

59 (b) "Meeting" does not mean:

60 (i) a chance gathering or social gathering; or

61 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
62 accordance with Section [59-1-405](#).

63 (c) "Meeting" does not mean the convening of a public body that has both legislative
64 and executive responsibilities if:

65 (i) no public funds are appropriated for expenditure during the time the public body is
66 convened; and

67 (ii) the public body is convened solely for the discussion or implementation of
68 administrative or operational matters:

69 (A) for which no formal action by the public body is required; or

70 (B) that would not come before the public body for discussion or action.

71 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
72 public statements of each member of the public body who is participating in a meeting.

73 (8) "Participate" means the ability to communicate with all of the members of a public
74 body, either verbally or electronically, so that each member of the public body can hear or
75 observe the communication.

76 (9) (a) "Public body" means:

77 (i) any administrative, advisory, executive, or legislative body of the state or its
78 political subdivisions that:

79 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

80 (B) consists of two or more persons;

81 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

82 (D) is vested with the authority to make decisions regarding the public's business; or

83 (ii) any administrative, advisory, executive, or policymaking body of an association, as
84 defined in Section [53A-1-1601](#), that:

85 (A) consists of two or more persons;

86 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
87 school or whose employees participate in a benefit or program described in Title 49, Utah State
88 Retirement and Insurance Benefit Act; and

89 (C) is vested with authority to make decisions regarding the participation of a public
90 school or student in an interscholastic activity as defined in Section 53A-1-1601.

91 (b) "Public body" includes:

92 (i) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
93 undertaking; and

94 (ii) as defined in Section 11-13a-102, a governmental nonprofit corporation.

95 (c) "Public body" does not include:

96 (i) a political party, a political group, or a political caucus;

97 (ii) a conference committee, a rules committee, or a sifting committee of the
98 Legislature;

99 (iii) a school community council or charter trust land council as defined in Section
100 53A-1a-108.1; [or]

101 (iv) the Economic Development Legislative Liaison Committee created in Section
102 36-30-201[-]; or

103 (v) the following Legislative Management subcommittees, which are established in
104 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to
105 recommend for employment, except that the meeting in which a subcommittee votes to
106 recommend that a candidate be employed shall be subject to the provisions of this act:

107 (A) the Research and General Counsel Subcommittee;

108 (B) the Budget Subcommittee; and

109 (C) the Audit Subcommittee.

110 (10) "Public statement" means a statement made in the ordinary course of business of
111 the public body with the intent that all other members of the public body receive it.

112 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
113 otherwise defined by applicable law.

114 (b) "Quorum" does not include a meeting of two elected officials by themselves when
115 no action, either formal or informal, is taken on a subject over which these elected officials
116 have advisory power.

117 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
118 meeting that can be used to review the proceedings of the meeting.

119 (13) "Specified body":

120 (a) means an administrative, advisory, executive, or legislative body that:

121 (i) is not a public body;

122 (ii) consists of three or more members; and

123 (iii) includes at least one member who is:

124 (A) a legislator; and

125 (B) officially appointed to the body by the president of the Senate, speaker of the
126 House of Representatives, or governor; and

127 (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).

128 (14) "Transmit" means to send, convey, or communicate an electronic message by
129 electronic means.

130 Section 2. Section **63G-2-305** is amended to read:

131 **63G-2-305. Protected records.**

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

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

135 (2) commercial information or nonindividual financial information obtained from a
136 person if:

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

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

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

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

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

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

153 (6) records, the disclosure of which would impair governmental procurement
154 proceedings or give an unfair advantage to any person proposing to enter into a contract or
155 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
156 Subsection (6) does not restrict the right of a person to have access to, after the contract or
157 grant has been awarded and signed by all parties, a bid, proposal, application, or other
158 information submitted to or by a governmental entity in response to:

159 (a) an invitation for bids;

160 (b) a request for proposals;

161 (c) a request for quotes;

162 (d) a grant; or

163 (e) other similar document;

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

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

169 (b) (i) a final determination is made not to enter into a contract that relates to the

170 subject of the request for information; and

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

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

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

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

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

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

185 (e) the property under consideration for public acquisition is a single family residence
186 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
187 the property as required under Section [78B-6-505](#);

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

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

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

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

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

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

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

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

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

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

216 (12) records the disclosure of which would jeopardize the security of governmental
217 property, governmental programs, or governmental recordkeeping systems from damage, theft,
218 or other appropriation or use contrary to law or public policy;

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

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

226 jurisdiction;

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

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

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

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

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

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

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

242 (A) members of a legislative body;

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

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

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

247 (20) (a) records in the custody or control of the Office of Legislative Research and
248 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
249 legislation or contemplated course of action before the legislator has elected to support the
250 legislation or course of action, or made the legislation or course of action public; and

251 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
252 Office of Legislative Research and General Counsel is a public document unless a legislator
253 asks that the records requesting the legislation be maintained as protected records until such

254 time as the legislator elects to make the legislation or course of action public;

255 (21) research requests from legislators to the Office of Legislative Research and

256 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared

257 in response to these requests;

258 (22) drafts, unless otherwise classified as public;

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

260 (a) collective bargaining; or

261 (b) imminent or pending litigation;

262 (24) records of investigations of loss occurrences and analyses of loss occurrences that

263 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the

264 Uninsured Employers' Fund, or similar divisions in other governmental entities;

265 (25) records, other than personnel evaluations, that contain a personal recommendation

266 concerning an individual if disclosure would constitute a clearly unwarranted invasion of

267 personal privacy, or disclosure is not in the public interest;

268 (26) records that reveal the location of historic, prehistoric, paleontological, or

269 biological resources that if known would jeopardize the security of those resources or of

270 valuable historic, scientific, educational, or cultural information;

271 (27) records of independent state agencies if the disclosure of the records would

272 conflict with the fiduciary obligations of the agency;

273 (28) records of an institution within the state system of higher education defined in

274 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,

275 retention decisions, and promotions, which could be properly discussed in a meeting closed in

276 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of

277 the final decisions about tenure, appointments, retention, promotions, or those students

278 admitted, may not be classified as protected under this section;

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

280 proposals, and policy statements, that if disclosed would reveal the governor's contemplated

281 policies or contemplated courses of action before the governor has implemented or rejected

282 those policies or courses of action or made them public;

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

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

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

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

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

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

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

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

- 310 (a) the donor requests anonymity in writing;
- 311 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
312 classified protected by the governmental entity under this Subsection (37); and
- 313 (c) except for an institution within the state system of higher education defined in
314 Section [53B-1-102](#), the governmental unit to which the donation is made is primarily engaged
315 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
316 over the donor, a member of the donor's immediate family, or any entity owned or controlled
317 by the donor or the donor's immediate family;
- 318 (38) accident reports, except as provided in Sections [41-6a-404](#), [41-12a-202](#), and
319 [73-18-13](#);
- 320 (39) a notification of workers' compensation insurance coverage described in Section
321 [34A-2-205](#);
- 322 (40) (a) the following records of an institution within the state system of higher
323 education defined in Section [53B-1-102](#), which have been developed, discovered, disclosed to,
324 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 325 (i) unpublished lecture notes;
 - 326 (ii) unpublished notes, data, and information:
 - 327 (A) relating to research; and
 - 328 (B) of:
 - 329 (I) the institution within the state system of higher education defined in Section
330 [53B-1-102](#); or
 - 331 (II) a sponsor of sponsored research;
 - 332 (iii) unpublished manuscripts;
 - 333 (iv) creative works in process;
 - 334 (v) scholarly correspondence; and
 - 335 (vi) confidential information contained in research proposals;
 - 336 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
337 information required pursuant to Subsection [53B-16-302\(2\)\(a\)](#) or (b); and

- 338 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 339 (41) (a) records in the custody or control of the Office of Legislative Auditor General
- 340 that would reveal the name of a particular legislator who requests a legislative audit prior to the
- 341 date that audit is completed and made public; and
- 342 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 343 Office of the Legislative Auditor General is a public document unless the legislator asks that
- 344 the records in the custody or control of the Office of Legislative Auditor General that would
- 345 reveal the name of a particular legislator who requests a legislative audit be maintained as
- 346 protected records until the audit is completed and made public;
- 347 (42) records that provide detail as to the location of an explosive, including a map or
- 348 other document that indicates the location of:
 - 349 (a) a production facility; or
 - 350 (b) a magazine;
- 351 (43) information:
 - 352 (a) contained in the statewide database of the Division of Aging and Adult Services
 - 353 created by Section [62A-3-311.1](#); or
 - 354 (b) received or maintained in relation to the Identity Theft Reporting Information
 - 355 System (IRIS) established under Section [67-5-22](#);
- 356 (44) information contained in the Management Information System and Licensing
- 357 Information System described in Title 62A, Chapter 4a, Child and Family Services;
- 358 (45) information regarding National Guard operations or activities in support of the
- 359 National Guard's federal mission;
- 360 (46) records provided by any pawn or secondhand business to a law enforcement
- 361 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
- 362 Secondhand Merchandise Transaction Information Act;
- 363 (47) information regarding food security, risk, and vulnerability assessments performed
- 364 by the Department of Agriculture and Food;
- 365 (48) except to the extent that the record is exempt from this chapter pursuant to Section

366 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
367 prepared or maintained by the Division of Emergency Management, and the disclosure of
368 which would jeopardize:

369 (a) the safety of the general public; or

370 (b) the security of:

371 (i) governmental property;

372 (ii) governmental programs; or

373 (iii) the property of a private person who provides the Division of Emergency

374 Management information;

375 (49) records of the Department of Agriculture and Food that provides for the
376 identification, tracing, or control of livestock diseases, including any program established under
377 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
378 of Animal Disease;

379 (50) as provided in Section [26-39-501](#):

380 (a) information or records held by the Department of Health related to a complaint
381 regarding a child care program or residential child care which the department is unable to
382 substantiate; and

383 (b) information or records related to a complaint received by the Department of Health
384 from an anonymous complainant regarding a child care program or residential child care;

385 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
386 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
387 personal mobile phone number, if:

388 (a) the individual is required to provide the information in order to comply with a law,
389 ordinance, rule, or order of a government entity; and

390 (b) the subject of the record has a reasonable expectation that this information will be
391 kept confidential due to:

392 (i) the nature of the law, ordinance, rule, or order; and

393 (ii) the individual complying with the law, ordinance, rule, or order;

394 (52) the name, home address, work addresses, and telephone numbers of an individual
395 that is engaged in, or that provides goods or services for, medical or scientific research that is:

396 (a) conducted within the state system of higher education, as defined in Section
397 [53B-1-102](#); and

398 (b) conducted using animals;

399 (53) an initial proposal under Title 63N, Chapter 13, Part 2, Government Procurement
400 Private Proposal Program, to the extent not made public by rules made under that chapter;

401 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
402 Evaluation Commission concerning an individual commissioner's vote on whether or not to
403 recommend that the voters retain a judge including information disclosed under Subsection
404 [78A-12-203\(5\)\(e\)](#);

405 (55) information collected and a report prepared by the Judicial Performance
406 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
407 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
408 the information or report;

409 (56) records contained in the Management Information System created in Section
410 [62A-4a-1003](#);

411 (57) records provided or received by the Public Lands Policy Coordinating Office in
412 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

413 (58) information requested by and provided to the 911 Division under Section
414 [63H-7a-302](#);

415 (59) in accordance with Section [73-10-33](#):

416 (a) a management plan for a water conveyance facility in the possession of the Division
417 of Water Resources or the Board of Water Resources; or

418 (b) an outline of an emergency response plan in possession of the state or a county or
419 municipality;

420 (60) the following records in the custody or control of the Office of Inspector General
421 of Medicaid Services, created in Section [63A-13-201](#):

422 (a) records that would disclose information relating to allegations of personal
423 misconduct, gross mismanagement, or illegal activity of a person if the information or
424 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
425 through other documents or evidence, and the records relating to the allegation are not relied
426 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
427 report or final audit report;

428 (b) records and audit workpapers to the extent they would disclose the identity of a
429 person who, during the course of an investigation or audit, communicated the existence of any
430 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
431 regulation adopted under the laws of this state, a political subdivision of the state, or any
432 recognized entity of the United States, if the information was disclosed on the condition that
433 the identity of the person be protected;

434 (c) before the time that an investigation or audit is completed and the final
435 investigation or final audit report is released, records or drafts circulated to a person who is not
436 an employee or head of a governmental entity for the person's response or information;

437 (d) records that would disclose an outline or part of any investigation, audit survey
438 plan, or audit program; or

439 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
440 investigation or audit;

441 (61) records that reveal methods used by the Office of Inspector General of Medicaid
442 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
443 abuse;

444 (62) information provided to the Department of Health or the Division of Occupational
445 and Professional Licensing under Subsection 58-68-304(3) or (4);

446 (63) a record described in Section 63G-12-210;

447 (64) captured plate data that is obtained through an automatic license plate reader
448 system used by a governmental entity as authorized in Section 41-6a-2003;

449 (65) any record in the custody of the Utah Office for Victims of Crime relating to a

450 victim, including:

451 (a) a victim's application or request for benefits;

452 (b) a victim's receipt or denial of benefits; and

453 (c) any administrative notes or records made or created for the purpose of, or used to,
454 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
455 Reparations Fund;

456 (66) an audio or video recording created by a body-worn camera, as that term is
457 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
458 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
459 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
460 that term is defined in Subsection 62A-2-101(19)(a)(vi), except for recordings that:

461 (a) depict the commission of an alleged crime;

462 (b) record any encounter between a law enforcement officer and a person that results in
463 death or bodily injury, or includes an instance when an officer fires a weapon;

464 (c) record any encounter that is the subject of a complaint or a legal proceeding against
465 a law enforcement officer or law enforcement agency;

466 (d) contain an officer involved critical incident as defined in Subsection
467 76-2-408(1)(d); or

468 (e) have been requested for reclassification as a public record by a subject or
469 authorized agent of a subject featured in the recording; ~~and~~

470 (67) a record pertaining to the search process for a president of an institution of higher
471 education described in Section 53B-2-102, except for application materials for a publicly
472 announced finalist[-]; and

473 (68) records submitted by or prepared in relation to an applicant seeking a
474 recommendation by the Research and General Counsel Subcommittee, the Budget
475 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
476 employment position with the Legislature.