

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1946

TO AMEND THE LAW CONCERNING ACCESS TO PUBLIC INFORMATION; AND TO AMEND THE
FREEDOM OF INFORMATION ACT OF 1967.

Amendment No. 2 to House Bill No. 1946

Amend House Bill No. 1946 as engrossed, H3/14/17 (version: 03/14/2017 4:57:03 PM):

Page 1, delete lines 27 through 33, and substitute the following:

"(b)(1)(A) The panel shall consist of three (3) attorneys who are:
(i) Residents of this state; and
(ii) Knowledgeable in matters concerning the Freedom
of Information Act of 1967, § 25-19-101 et seq.
(B) Two (2) of the panel attorneys shall be licensed to
practice law in this state.
(C) One (1) panel attorney shall:
(i) Teach or have taught at a law school in this
state; and
(ii) Be licensed to practice law in any state in the
United States or in the District of Columbia."

AND

Page 3, delete lines 2 through 4, and substitute the following:

"(h)(1) The panel shall follow governing law under the Freedom of
Information Act of 1967, § 25-19-101 et seq., and the law applied by courts
in this state in conducting reviews requested under this section.
(2) If a request to produce records is denied by a custodian
based on an exemption under § 25-19-105(b)(16)-(23), or an exemption to the
Freedom of Information Act of 1967, § 25-19-101 et seq., enacted after
January 1, 2017, and the requestor appeals the denial to the panel, then the
panel shall decide that the record or records in question become public
unless the public's interest in the release of the record or records is
outweighed by the state's interest in the confidentiality of the record or
records."

AND

Page 3, delete lines 15 and 16, and substitute the following:

"(k)(1) A panel attorney is not subject to personal liability due to



his or her participation on the panel.

(2) A panel attorney who is a law professor under subdivision (b)(1)(C) of this section shall recuse himself or herself from a review if the custodian of the record or records in question submitted to the panel for review is an institution where the panel attorney is currently employed or was previously employed."

The Amendment was read _____

By: Representative Tucker

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Chief Clerk