

OPEN MEETINGS LAW

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Edgar Allen

This act modifies the Election Code to require legislative caucus meetings to be subject to the open and public meetings requirements when a majority of one house of the Legislature is present.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

52-4-2, as last amended by Chapter 89, Laws of Utah 1994

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

Section 1. Section **52-4-2** is amended to read:

52-4-2. Definitions.

As used in this chapter:

(1) "Convening" means the calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction.

(2) "Legislative caucus" means an assembly to which:

(a) all of the Utah House members affiliated with a particular registered political party are invited;

(b) all of the Utah Senate members affiliated with a particular registered political party are invited; or

(c) all of the Utah House and Utah Senate members affiliated with a particular registered political party are invited.

~~(2)~~ (3) (a) "Meeting" means the convening of a public body, with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing or acting upon a matter over which the public body has jurisdiction or advisory power.



28 (b) "Meeting" does not mean:

29 (i) a chance meeting; or

30 (ii) the convening of a public body that has both legislative and executive responsibilities

31 where no public funds are appropriated for expenditure during the time the public body is

32 convened and:

33 (A) the public body is convened solely for the discussion or implementation of

34 administrative or operational matters for which no formal action by the public body is required;

35 or

36 (B) the public body is convened solely for the discussion or implementation of

37 administrative or operational matters that would not come before the public body for discussion

38 or action.

39 ~~(3)~~ (4) (a) "Public body" means any administrative, advisory, executive, or legislative

40 body of the state or its political subdivisions that:

41 (i) consists of two or more persons;

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

43 (iii) is vested with the authority to make decisions regarding the public's business.

44 (b) "Public body" includes a legislative caucus that constitutes a quorum of the Utah House
45 of Representatives or the Utah Senate.

46 ~~(b)~~ (c) "Public body" does not include any:

47 (i) political party[;] or group[;]; or ~~caucus; nor~~

48 (ii) ~~any~~ conference committee, rules committee, or sifting committee of the Legislature.

49 ~~(4)~~ (5) (a) "Quorum" means a simple majority of the membership of a public body,

50 unless otherwise defined by applicable law.

51 (b) "Quorum" does not include a meeting of two elected officials by themselves when no

52 action, either formal or informal, is taken on a subject over which these elected officials have

53 jurisdiction.

54 (6) "Registered political party" means a political party that has complied with the

55 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a

56 political party officially recognized by the state.

Legislative Review Note

as of 1-12-01 10:38 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel