

CLOSED MEETING AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends Title 52, Chapter 4, Open and Public Meetings Act.

Highlighted Provisions:

This bill:

▶ authorizes a public body to close a meeting to discuss legislative action by the public body if conducting the discussion in a closed meeting is preferable to conducting the discussion in an open meeting; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-205, as last amended by Laws of Utah 2011, Chapters 46 and 334

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

Section 1. Section **52-4-205** is amended to read:

52-4-205. Purposes of closed meetings.

(1) A closed meeting described under Section 52-4-204 may only be held for:



28 (a) discussion of the character, professional competence, or physical or mental health
29 of an individual;

30 (b) strategy sessions to discuss collective bargaining;

31 (c) strategy sessions to discuss pending or reasonably imminent litigation;

32 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
33 including any form of a water right or water shares, if public discussion of the transaction
34 would:

35 (i) disclose the appraisal or estimated value of the property under consideration; or

36 (ii) prevent the public body from completing the transaction on the best possible terms;

37 (e) strategy sessions to discuss the sale of real property, including any form of a water
38 right or water shares, if:

39 (i) public discussion of the transaction would:

40 (A) disclose the appraisal or estimated value of the property under consideration; or

41 (B) prevent the public body from completing the transaction on the best possible terms;

42 (ii) the public body previously gave public notice that the property would be offered for
43 sale; and

44 (iii) the terms of the sale are publicly disclosed before the public body approves the
45 sale;

46 (f) discussion regarding deployment of security personnel, devices, or systems;

47 (g) investigative proceedings regarding allegations of criminal misconduct;

48 (h) as relates to the Independent Legislative Ethics Commission, conducting business
49 relating to the receipt or review of ethics complaints;

50 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
51 Subsection 52-4-204(1)(a)(iii)(B);

52 (j) as relates to a county legislative body, discussing commercial information as
53 defined in Section 59-1-404;

54 (k) as relates to the Alcoholic Beverage Control Commission issuing a retail license
55 under Title 32B, Alcoholic Beverage Control Act, after receiving public input in a public
56 meeting in support or opposition to the commission issuing the retail license, discussing one or
57 more of the following factors in a closed meeting:

58 (i) a factor the commission is required to consider under Section 32B-5-203 or that is

59 specified in the relevant part under Title 32B, Chapter 6, Specific Retail License Act, for the
60 type of retail license at issue;

61 (ii) the availability of a retail license under a quota;

62 (iii) the length of time the applicant has waited for a retail license;

63 (iv) an opening date for the applicant;

64 (v) whether the applicant is a seasonal business;

65 (vi) whether the location of the applicant has been previously licensed or is a new
66 location;

67 (vii) whether the application involves a change of ownership of an existing location;

68 (viii) whether the applicant holds other alcohol licenses at any location;

69 (ix) whether the applicant has a violation history or a pending violation;

70 (x) projected alcohol sales for the applicant as it relates to the extent to which the retail
71 license will be used;

72 (xi) whether the applicant is a small or entrepreneurial business that would benefit the
73 community in which it would be located;

74 (xii) the nature of entertainment the applicant proposes; or

75 (xiii) public input in support or opposition to granting the retail license;

76 (l) as relates to the Utah Higher Education Assistance Authority and its appointed
77 board of directors, discussing fiduciary or commercial information as defined in Section
78 53B-12-102; ~~[or]~~

79 (m) discussion of legislative action by a public body, whether the legislative action is
80 pending, proposed, potential, or previously-passed, if the public body believes that conducting
81 the discussion in a closed meeting is preferable to conducting the discussion in an open
82 meeting; or

83 ~~[(m)]~~ (n) a purpose for which a meeting is required to be closed under Subsection (2).

84 (2) The following meetings shall be closed:

85 (a) a meeting of the Health and Human Services Interim Committee to review a fatality
86 review report described in Subsection 62A-16-301(1)(a), and the responses to the report
87 described in Subsections 62A-16-301(2) and (4); and

88 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

89 (i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the

90 responses to the report described in Subsections 62A-16-301(2) and (4); or
91 (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5).
92 (3) A public body may not interview a person applying to fill an elected position in a
93 closed meeting.

Legislative Review Note
as of 1-26-12 11:10 AM

Office of Legislative Research and General Counsel