

**Senator Deidre M. Henderson** proposes the following substitute bill:

**PUBLIC MEETINGS MATERIALS REQUIREMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Deidre M. Henderson**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill modifies a provision of the Open and Public Meetings Act.

**Highlighted Provisions:**

This bill:

- ▶ defines "electronic information";
- ▶ requires certain public bodies to require an individual who publicly presents or provides electronic information at an open meeting of the public body to provide an electronic or hard copy of the electronic information.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**52-4-203**, as last amended by Laws of Utah 2013, Chapter 63

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

Section 1. Section **52-4-203** is amended to read:



26           **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
27 **meetings.**

28           (1) Except as provided under Subsection (7), written minutes and a recording shall be  
29 kept of all open meetings.

30           (2) Written minutes of an open meeting shall include:

31           (a) the date, time, and place of the meeting;

32           (b) the names of members present and absent;

33           (c) the substance of all matters proposed, discussed, or decided by the public body

34 which may include a summary of comments made by members of the public body;

35           (d) a record, by individual member, of each vote taken by the public body;

36           (e) the name of each person who:

37           (i) is not a member of the public body; and

38           (ii) after being recognized by the presiding member of the public body, provided

39 testimony or comments to the public body;

40           (f) the substance, in brief, of the testimony or comments provided by the public under

41 Subsection (2)(e); and

42           (g) any other information that is a record of the proceedings of the meeting that any

43 member requests be entered in the minutes or recording.

44           (3) A recording of an open meeting shall:

45           (a) be a complete and unedited record of all open portions of the meeting from the

46 commencement of the meeting through adjournment of the meeting; and

47           (b) be properly labeled or identified with the date, time, and place of the meeting.

48           (4) (a) As used in this Subsection (4):

49           (i) "Approved minutes" means written minutes:

50           (A) of an open meeting; and

51           (B) that have been approved by the public body that held the open meeting.

52           (ii) "Electronic information" means information presented or provided in an electronic

53 format.

54           [(ii)] (iii) "Pending minutes" means written minutes:

55           (A) of an open meeting; and

56           (B) that have been prepared in draft form and are subject to change before being

57 approved by the public body that held the open meeting.

58 ~~[(iii)]~~ (iv) "Specified local public body" means a legislative body of a county, city, or  
59 town.

60 ~~[(iv)]~~ (v) "State public body" means a public body that is an administrative, advisory,  
61 executive, or legislative body of the state.

62 ~~[(v)]~~ (vi) "Website" means the Utah Public Notice Website created under Section  
63 [63F-1-701](#).

64 (b) Pending minutes, approved minutes, and a recording of a public meeting are public  
65 records under Title 63G, Chapter 2, Government Records Access and Management Act.

66 (c) Pending minutes shall contain a clear indication that the public body has not yet  
67 approved the minutes or that the minutes are subject to change until the public body approves  
68 them.

69 (d) A state public body and a specified local public body shall require an individual  
70 who  $\hat{S} \rightarrow$ , **at an open meeting of the public body**,  $\leftarrow \hat{S}$  publicly presents or provides electronic  
70a information  $\hat{S} \rightarrow$  ~~[at an open meeting of the public body]~~, relating to an item on the public body's  
70b meeting agenda,  $\leftarrow \hat{S}$   
71 to provide the public body, at the time of the meeting, an electronic or hard copy of the  
72 electronic information for inclusion in the public record.

73 ~~[(d)]~~ (e) A state public body shall:

74 (i) make pending minutes available to the public within 30 days after holding the open  
75 meeting that is the subject of the pending minutes;

76 (ii) within three business days after approving written minutes of an open meeting, post  
77 to the website and make available to the public at the public body's primary office a copy of the  
78 approved minutes and any public materials distributed at the meeting; and

79 (iii) within three business days after holding an open meeting, post on the website an  
80 audio recording of the open meeting, or a link to the recording.

81 ~~[(e)]~~ (f) (i) A specified local public body shall:

82 (A) make pending minutes available to the public within 30 days after holding the open  
83 meeting that is the subject of the pending minutes;

84 (B) subject to Subsection (4)~~[(e)]~~(f)(ii), within three business days after approving  
85 written minutes of an open meeting, post to the website and make available to the public at the  
86 public body's primary office a copy of the approved minutes and any public materials  
87 distributed at the meeting; and

88 (C) within three business days after holding an open meeting, make an audio recording  
89 of the open meeting available to the public for listening.

90 (ii) A specified local public body of a city of the fifth class or town is encouraged to  
91 comply with Subsection (4)~~(e)~~(f)(i)(B) but is not required to comply until January 1, 2015.

92 ~~(f)~~ (g) A public body that is not a state public body or a specified local public body  
93 shall:

94 (i) make pending minutes available to the public within a reasonable time after holding  
95 the open meeting that is the subject of the pending minutes;

96 (ii) within three business days after approving written minutes, make the approved  
97 minutes available to the public; and

98 (iii) within three business days after holding an open meeting, make an audio recording  
99 of the open meeting available to the public for listening.

100 ~~(g)~~ (h) A public body shall establish and implement procedures for the public body's  
101 approval of the written minutes of each meeting.

102 ~~(h)~~ (i) Approved minutes of an open meeting are the official record of the meeting.

103 (5) All or any part of an open meeting may be independently recorded by any person in  
104 attendance if the recording does not interfere with the conduct of the meeting.

105 (6) The written minutes or recording of an open meeting that are required to be  
106 retained permanently shall be maintained in or converted to a format that meets long-term  
107 records storage requirements.

108 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

109 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken  
110 by the public body; or

111 (b) an open meeting of a local district under Title 17B, Limited Purpose Local  
112 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,  
113 Special Service District Act, if the district's annual budgeted expenditures for all funds,  
114 excluding capital expenditures and debt service, are \$50,000 or less.