

**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: \_\_\_\_\_

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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";
- ▶ provides that electronic information is a public record under the Government Records Access and Management Act;
- ▶ requires certain public bodies to require an individual who presents or provides electronic information at an open meeting of the public body to provide an electronic or hard copy of the electronic information; and
- ▶ modifies what certain public bodies are required to post to a website and make available to the public.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 **52-4-203**, as last amended by Laws of Utah 2013, Chapter 63

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

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

30 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
31 **meetings.**

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

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

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

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

37 (c) the substance of all matters proposed, discussed, or decided by the public body  
38 which may include a summary of comments made by members of the public body;

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

40 (e) the name of each person who:

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

42 (ii) after being recognized by the presiding member of the public body, provided  
43 testimony or comments to the public body;

44 (f) the substance, in brief, of the testimony or comments provided by the public under  
45 Subsection (2)(e); and

46 (g) any other information that is a record of the proceedings of the meeting that any  
47 member requests be entered in the minutes or recording.

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

49 (a) be a complete and unedited record of all open portions of the meeting from the  
50 commencement of the meeting through adjournment of the meeting; and

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

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

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

54 (A) of an open meeting; and

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

56 (ii) "Electronic information" means information in an electronic format that an

57 individual presents or provides to a public body at an open meeting of the public body.

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

59 (A) of an open meeting; and

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

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

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

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

66 [~~(v)~~] (vi) "Website" means the Utah Public Notice Website created under Section  
67 [63F-1-701](#).

68 (b) Pending minutes, approved minutes, electronic information, and a recording of a  
69 public meeting are public records under Title 63G, Chapter 2, Government Records Access and  
70 Management Act.

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

74 (d) A state public body and a specified local public body shall require an individual  
75 who presents or provides electronic information at an open meeting of the public body to  
76 provide the public body, at the time of the meeting, an electronic or hard copy of the electronic  
77 information.

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

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

81 (ii) within three business days after approving written minutes of an open meeting, post  
82 to the website and make available to the public at the public body's primary office a copy of the  
83 approved minutes, any electronic information presented or provided at the meeting, and any  
84 public materials distributed at the meeting; and

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

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

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

90 (B) subject to Subsection (4)~~(e)~~(f)(ii), within three business days after approving  
91 written minutes of an open meeting, post to the website and make available to the public at the  
92 public body's primary office a copy of the approved minutes, any electronic information  
93 presented or provided at the meeting, and any public materials distributed at the meeting; and

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

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

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

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

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

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

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

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

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

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

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

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

117 (b) an open meeting of a local district under Title 17B, Limited Purpose Local  
118 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,

119 Special Service District Act, if the district's annual budgeted expenditures for all funds,  
120 excluding capital expenditures and debt service, are \$50,000 or less.