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**Statewide Impact \*Changes -- 2006 General Session**  
**Title 52, Chapter 4, Open and Public Meetings Act**  
**Summary of 14 Key Changes**

**\*Each bill is effective on May 1, 2006**

Key Change	Bill Language
<p>1. All <b>open meetings must be recorded</b>, in addition to keeping written minutes, with some exceptions</p>	<p>"(1) ...written minutes <u>and a recording</u> shall be kept of all open meetings."</p> <p>"(8) <u>Either written minutes or a recording shall be kept of:</u></p> <p><u>(a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; and</u></p> <p><u>(b) an open meeting of an independent special district as defined under Title 17A, Special Districts, or a local district under Title 17B, Chapter 2, Local Districts, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less."</u></p> <p><i>H.B. 16 amendment to Section 52-4-7</i></p>
<p>2. A public body is <b>encouraged to post public notice</b> of its meetings <b>on the internet</b> and to provide public notice to those media agencies that make a periodic written request for notice</p>	<p>"(4) <u>A public body is encouraged to:</u></p> <p><u>(a) develop and use electronic means to provide notice of its meetings under Subsection (3)(b);</u></p> <p><u>(b) provide public notice to all other media agencies that make a periodic written request to receive them; and</u></p> <p><u>(c) post public notice of its meetings on the Internet."</u></p> <p><i>H.B. 16 amendments to Section 52-4-6</i></p>

Key Change	Bill Language
<p>3. Requires <b>agendas</b> that are issued with public notices to provide reasonable specificity as to the <b>topics</b> to be considered at the meeting</p> <p>Prohibits a public body from taking final action on <b>topics that are not posted</b>, unless the meeting is an emergency meeting</p>	<p>"(6) (a) <u>A public notice that is required to include an agenda under Subsection (2), shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.</u></p> <p>(b) <u>Except as provided in Subsection (5) and Subsection (6)(c), a public body may not consider a topic in an open meeting that is not:</u></p> <p>(i) <u>listed under an agenda item under Subsection (6)(a);</u>  <u>and</u>  (ii) <u>included with the advanced public notice in accordance with this section.</u></p> <p>(c) <u>A topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.</u>"</p> <p><i>H.B. 16 amendments to Section 52-4-6</i></p>
<p>4. <b>Written minutes are the official record</b> of action taken in an open meeting</p>	<p>"...but [<del>only</del>] written minutes shall be [<del>evidence of</del>] the official <u>record of</u> action taken at [<del>such</del>] <u>the</u> meeting."</p> <p><i>H.B. 16 amendments to Section 52-4-7</i></p>
<p>5. Amends the <b>definition of "public body"</b> to include only public bodies that are created by statute, rule, ordinance, or resolution</p>	<p>"(3) (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:</p> <p>(i) <u>is created by a statute, rule, ordinance, or resolution;</u>  [<del>(i)</del>] (ii) <u>consists of two or more persons;</u>  [<del>(ii)</del>] (iii) <u>expends, disburses, or is supported in whole or in part by tax revenue; and</u>  [<del>(iii)</del>] (iv) <u>is vested with the authority to make decisions regarding the public's business."</u></p> <p><i>H.B. 14 amendments to Section 52-4-2</i></p>
<p>6. <b>Requires a public body to record closed meetings</b> instead of having the option to either take minutes or make a recording</p> <p>(Current exceptions from the closed meeting recordings requirements are not changed for meetings that exclusively discuss: an individual's character, professional competence or physical or mental health; or deployment of security personal, devices, or systems.)</p>	<p>"...the public body shall [<del>either take</del>] record the closed portion of the meeting [<del>or</del>] <u>and may keep</u> detailed written minutes that disclose the content of the closed portion of the meeting."</p> <p><i>H.B. 14 amendments to Section 52-4-7.5</i></p>

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<p>7. <b>Requires the public body publicly announce the location of a closed meeting</b> and to enter the location in the minutes of the open meeting at which the closed meeting was approved</p>	<p>"(4) <u>The following information shall be publically announced and entered on the minutes of the open meeting at which the closed meeting was approved:</u></p> <p><u>(a) the reason or reasons for holding [a] the closed meeting [and];</u></p> <p><u>(b) the location where the closed meeting will be held; and</u></p> <p><u>(c) the vote of each member of the public body, either for or against the [proposition] motion to hold [such a] the closed meeting[<del>, cast by each member by name shall be entered on the minutes of the meeting</del>].</u></p> <p><i>H.B. 14 amendments to Section 52-4-4</i></p>
<p>8. <b>Requires a public body to hold workshops or executive sessions at the location</b> where the public body is holding the regularly scheduled public meeting, and provides certain exceptions</p>	<p>"(b) <u>A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:</u></p> <p><u>(i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;</u></p> <p><u>(ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;</u></p> <p><u>(iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-7.8; or</u></p> <p><u>(iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances."</u></p> <p><i>H.B. 14 amendments to Section 52-4-3</i></p>
<p>9. <b>Requires the presiding officer to ensure</b> that Open and Public Meetings Act <b>training</b> is provided to the members of a public body annually</p>	<p>"<u>The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter."</u></p> <p><i>H.B. 14 enacts Section 52-4-11</i></p>

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<p>10. Requires the <b>Office of the Attorney General</b> to provide public bodies with at <b>least yearly notice</b> of any material changes to the requirements for the conduct of meetings under the act</p>	<p><u>"(2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter."</u>  <i>H.B. 14 amendments to Section 52-4-9</i></p>
<p>11. Provides that it is a <b>class B misdemeanor</b> to knowingly or intentionally <b>violate closed meeting provisions</b></p>	<p><u>"In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor."</u>  <i>H.B. 14 enacts Section 52-4-12</i></p>
<p>12. <b>Requires a public body to adopt a resolution</b>, rule, or ordinance governing the use of electronic meetings <b>prior to holding an electronic meeting</b></p>	<p><u>"(3) (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings."</u>  <i>S.B. 12 amendments to Section 52-4-7.8</i></p>
<p>13. <b>Allows the resolution</b>, rule, or ordinance that governs electronic meetings to <b>prohibit or limit electronic meetings</b> based on budget, public policy, logistical considerations, etc.</p>	<p><u>"(b) The resolution, rule, or ordinance may:</u>  <u>(i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;</u>  <u>(ii) require a quorum of the public body to:</u>  <u>(A) be present at a single anchor location for the meeting;</u>  <u>and</u>  <u>(B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;</u>  <u>(iii) require a request for a electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;</u>  <u>(iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or</u>  <u>(v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section."</u>  <i>S.B. 12 amendments to Section 52-4-7.8</i></p>

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<p>14. <b>Renumbers sections and updates language</b> of the Open and Public Meeting Act</p>	<p>S.B. 9 renumbers sections as follows:  Title 63, Chapter 4, Open and Public Meetings <u>Act</u>  <u>Part 1. General Provisions</u>  <u>52-4-101</u> new  <u>52-4-102</u> formerly 52-4-1  <u>52-4-103</u> formerly 52-4-2  <u>Part 2. Meetings</u>  <u>52-4-201</u> formerly 52-4-3  <u>52-4-202</u> formerly 52-4-6  <u>52-4-203</u> formerly 52-4-7  <u>52-4-204</u> formerly 52-4-4  <u>52-4-205</u> formerly 52-4-5  <u>52-4-206</u> formerly 52-4-7.5  <u>52-4-207</u> formerly 52-4-7.8  <u>52-4-208</u> new  <u>Part 3. Enforcement</u>  <u>52-4-301</u> new  <u>52-4-302</u> formerly 52-4-8  <u>52-4-303</u> formerly 52-4-9  <u>52-4-304</u> formerly 52-4-10</p>

Prepared by: Office of Legislative Research and General Counsel, March 2006

Sources: H.B. 14 Open Meetings Law Amendments (*Rep. W. Harper*)  
H.B. 16 Revisions to Open and Public Meetings Law (*Rep. G. Donnelson*)  
S.B. 9 Open and Public Meetings Act Revisions (*Sen. P. Hellewell*)  
S.B. 12 Electronic Meeting Amendment (*Sen. L. Hillyard*)