

**Effective 5/1/2024**

**52-4-103 Definitions.**

As used in this chapter:

- (1) "Anchor location" means:
  - (a) the physical location where the public body conducting an electronic meeting under Section 52-4-207 normally conducts meetings of the public body; or
  - (b) a location other than the location described in Subsection (1)(a) that is reasonably as accessible to the public as the location described in Subsection (1)(a).
- (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
- (3) "Electronic meeting" means a meeting that some or all public body members attend through an electronic video, audio, or both video and audio connection, as provided in Section 52-4-207.
- (4) "Fiduciary or commercial information" means information:
  - (a) related to any subject if disclosure:
    - (i) would conflict with a fiduciary obligation; or
    - (ii) is prohibited by insider trading provisions; or
  - (b) that is commercial in nature including:
    - (i) account owners or borrowers;
    - (ii) demographic data;
    - (iii) contracts and related payments;
    - (iv) negotiations;
    - (v) proposals or bids;
    - (vi) investments;
    - (vii) management of funds;
    - (viii) fees and charges;
    - (ix) plan and program design;
    - (x) investment options and underlying investments offered to account owners;
    - (xi) marketing and outreach efforts;
    - (xii) financial plans; or
    - (xiii) reviews and audits excluding the final report required under Section 53B-8a-111.
- (5) "Meeting" means a gathering:
  - (a) of a public body or specified body;
  - (b) with a quorum present; and
  - (c) that is convened:
    - (i) by an individual:
      - (A) with authority to convene the public body or specified body; and
      - (B) following the process provided by law for convening the public body or specified body; and
    - (ii) for the express purpose of acting as a public body or specified body to:
      - (A) receive public comment about a relevant matter;
      - (B) deliberate about a relevant matter; or
      - (C) take action upon a relevant matter.
- (6) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.
- (7)
  - (a) "Public body" means:
    - (i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- (B) consists of two or more individuals;
- (C) expends, disburses, or is supported in whole or in part by tax revenue; and
- (D) is vested with the authority to make decisions regarding the public's business; or
- (ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section 53G-7-1101, that:
  - (A) consists of two or more individuals;
  - (B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and
  - (C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.
- (b) "Public body" includes:
  - (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in Section 11-13-103, except for the Water District Water Development Council created pursuant to Section 11-13-228;
  - (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;
  - (iii) the Utah Independent Redistricting Commission; and
  - (iv) a project entity, as that term is defined in Section 11-13-103.
- (c) "Public body" does not include:
  - (i) a political party, a political group, or a political caucus;
  - (ii) a conference committee, a rules committee, a sifting committee, or an administrative staff committee of the Legislature;
  - (iii) a school community council or charter trust land council, as that term is defined in Section 53G-7-1203;
  - (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed interlocal entity is not a project entity; or
  - (v) the following Legislative Management subcommittees, which are established in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to recommend for employment, except that the meeting in which a subcommittee votes to recommend that a candidate be employed shall be subject to the provisions of this act:
    - (A) the Research and General Counsel Subcommittee;
    - (B) the Budget Subcommittee; and
    - (C) the Audit Subcommittee.
- (8) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.
- (9) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
- (10) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.
- (11)
  - (a) "Relevant matter" means a matter that is within the scope of the authority of a public body or specified body.
  - (b) "Relevant matter" does not include, for a public body with both executive and legislative responsibilities, a managerial or operational matter.
- (12) "Specified body":
  - (a) means an administrative, advisory, executive, or legislative body that:
    - (i) is not a public body;

- (ii) consists of three or more members; and
- (iii) includes at least one member who is:
  - (A) a legislator; and
  - (B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
- (b) does not include a body listed in Subsection (7)(c)(ii) or (7)(c)(v).

Amended by Chapter 392, 2024 General Session

Amended by Chapter 522, 2024 General Session