

**AUTHORIZATION TO CLOSE A MEETING**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Greg J. Curtis**

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**LONG TITLE****General Description:**

This bill amends the Open and Public Meetings law to expand the purposes of closing a meeting.

**Highlighted Provisions:**

This bill:

- ▶ amends open and public meetings law to allow the records committee of the executive, legislative, or judicial branch to have an in camera review of a record that is not public.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**52-4-5**, as last amended by Chapter 89, Laws of Utah 1994

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

Section 1. Section **52-4-5** is amended to read:

**52-4-5. Purposes of closed meetings -- Chance meetings and social meetings excluded -- Disruption of meetings.**

(1) (a) A closed meeting may be held pursuant to Section 52-4-4 for any of the



following purposes:

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

(ii) strategy sessions to discuss collective bargaining;

(iii) strategy sessions to discuss pending or reasonably imminent litigation; ~~or~~

(iv) strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

(v) strategy sessions to discuss the sale of real property when:

(A) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

(B) the public body had previously given public notice that the property would be offered for sale; and

(C) the terms of the sale are publicly disclosed before the public body approves the sale;

(vi) discussion regarding deployment of security personnel, devices, or systems; ~~and~~

(vii) investigative proceedings regarding allegations of criminal misconduct~~[-]; and~~

(viii) review and discuss a record, as defined in Section 63-2-103, by a records committee of the executive, legislative, or judicial branch to determine:

(A) whether the record was properly classified as not public under Subsection 63-2-201(3); and

(B) if the record was properly classified, whether the public interest favoring access outweighs the interest favoring restriction of access to a record that is not public under Subsection 63-2-201(3).

(b) A public body may not interview a person applying to fill an elected position in a closed meeting.

(c) Nothing in this section may be construed to require any public body to approve the purchase, sale, exchange, or lease of real property if that public body is not required to approve the purchase, sale, exchange, or lease of real property under other laws.

59           (2) This chapter shall not apply to any chance meeting or a social meeting. No chance  
60 meeting or social meeting shall be used to circumvent this chapter.

61           (3) This chapter shall not prohibit the removal of any person who willfully disrupts a  
62 meeting to the extent that orderly conduct is seriously compromised.

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**Legislative Review Note**  
**as of 12-5-03 3:04 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Legislative Committee Note**  
**as of 12-10-03 3:30 PM**

The Legislative Management Committee recommended this bill.

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**Fiscal Note****Authorization to Close a Meeting***19-Jan-04***Bill Number HB0033***9:57 AM*

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**