

AUTHORIZATION TO CLOSE A MEETING

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Greg J. Curtis

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 otherwise open to the 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

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 ed -- Disruption of meetings.

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



28 following purposes:

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

31 (ii) strategy sessions to discuss collective bargaining;

32 (iii) strategy sessions to discuss pending or reasonably imminent litigation; [or]

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

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

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

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

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

45 (vi) discussion regarding deployment of security personnel, devices, or systems; [and]

46 (vii) investigative proceedings regarding allegations of criminal misconduct[:]; and

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

49 (A) whether the record was properly classified as not public under Subsection
50 63-2-201(3); and

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

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

56 (c) Nothing in this section may be construed to require any public body to approve the
57 purchase, sale, exchange, or lease of real property if that public body is not required to approve
58 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.

**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.

State Impact

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

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst