

1                                   **EMERGING TECHNOLOGIES AND OPEN**  
2   **GOVERNMENT**

3   2005 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: David Clark**

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7   **LONG TITLE**

8   **General Description:**

9           This bill requires the Utah Technology Commission to conduct a study during 2005.

10 **Highlighted Provisions:**

11           This bill:

12           ▶ requires the Utah Technology Commission to study and make recommendations  
13 regarding the use of electronic messaging and emerging technologies under the  
14 Open and Public Meetings law and the Governments Records Access and  
15 Management Act;

16           ▶ requires the commission to study possible legislative action;

17           ▶ permits the commission to study relevant issues; and

18           ▶ requires the commission to report to the Public Utilities and Technology Interim  
19 Committee.

20 **Monies Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           None

24 **Uncodified Material Affected:**

25 ENACTS UNCODIFIED MATERIAL

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



28 Section 1. **Study -- Report.**

29 (1) As used in this section:

30 (a) "Commission" means the Utah Technology Commission created in Section  
31 63D-1a-201.

32 (b) "Electronic messaging" means the following that are reproducible:

33 (i) email;

34 (ii) instant messaging;

35 (iii) voice mail; or

36 (iv) other digital messaging.

37 (2) In 2005, the commission shall study:

38 (a) the treatment of electronic messaging and emerging technologies:

39 (i) under:

40 (A) Title 52, Chapter 4, Open and Public Meetings; and

41 (B) Title 63, Chapter 2, Government Records Access and Management Act; and

42 (ii) including:

43 (A) when a meeting is constituted if members of a public body use electronic

44 messaging and other emerging technologies;

45 (B) when an electronic message or other emerging technology creates a record for

46 purposes of Title 63, Chapter 2, Government Records Access and Management Act; and

47 (C) the classification and retention under Title 63, Chapter 2, Government Records

48 Access and Management Act, of records created by electronic messaging or emerging

49 technologies;

50 (b) whether legislative changes are necessary to address electronic messaging and other

51 emerging technologies under:

52 (i) Title 52, Chapter 4, Open and Public Meetings; and

53 (ii) Title 63, Chapter 2, Government Records Access and Management Act; and

54 (c) any other issue the commission determines relevant to the impact of electronic

55 messaging and emerging technologies on open government.

56 (3) (a) The commission shall report its findings by no later than the November 2005

57 interim meeting to the Public Utilities and Technology Interim Committee.

58 (b) The report required by Subsection (3)(a) shall include any legislation proposed by

59 the commission.

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**Legislative Review Note**  
as of 1-18-05 10:22 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0214**

Emerging Technologies and Open Government

25-Jan-05

7:46 AM

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**