

1 **OPEN AND PUBLIC MEETINGS -**
2 **RECORDING REQUIREMENT**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Scott K. Jenkins**

7 **LONG TITLE**

8 **General Description:**

9 This bill requires that both a written and recorded record be made of all open public
10 meetings.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ modifies the provisions governing open and public meetings to require that both a
14 written record and a tape or digital recording be made for all open public meetings;

15 and

16 ▶ requires that tape or digital recordings be retained for at least 180 calendar days.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **52-4-7**, as last amended by Chapter 311, Laws of Utah 2002

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

26 Section 1. Section **52-4-7** is amended to read:

27 **52-4-7. Minutes of open meetings -- Public records -- Recording of meetings.**



28 (1) ~~(a)~~ Written minutes ~~[or]~~ and a digital or tape recording shall be kept of all open
29 meetings. ~~[Such]~~

30 ~~(b)~~ The minutes or a digital or tape recording shall include:

31 ~~[(a)]~~ (i) the date, time, and place of the meeting;

32 ~~[(b)]~~ (ii) the names of members present and absent;

33 ~~[(c)]~~ (iii) the substance of all matters proposed, discussed, or decided, and a record, by
34 individual member, of votes taken;

35 ~~[(d)]~~ (iv) the names of all citizens who appeared and the substance in brief of their
36 testimony; and

37 ~~[(e)]~~ (v) any other information that any member requests be entered in the minutes.

38 (2) (a) Except as provided in Section 52-4-7.5, written minutes or a digital or tape
39 recording shall be kept of all closed meetings. ~~[Such]~~

40 ~~(b)~~ The minutes or digital or tape recording shall include:

41 ~~[(a)]~~ (i) the date, time, and place of the meeting;

42 ~~[(b)]~~ (ii) the names of members present and absent; and

43 ~~[(c)]~~ (iii) the names of all others present except where such disclosure would infringe
44 on the confidence necessary to fulfill the original purpose of closing the meeting.

45 (3) (a) The minutes and recordings are public records and shall be available within a
46 reasonable time after the meeting.

47 (b) A meeting record kept only by a digital or tape recording must be converted to
48 written minutes within a reasonable time upon request.

49 (4) All or any part of an open meeting may be recorded by any person in attendance~~;~~
50 provided, as long as the recording does not interfere with the conduct of the meeting.

51 (5) (a) ~~[Minutes of meetings]~~ Meeting minutes that are required to be retained
52 permanently shall be maintained in or converted to a format that meets long-term records
53 storage requirements.

54 (b) The custodian of digital or tape recordings of meetings shall retain those recordings
55 for at least 180 calendar days.

56 (6) Written minutes or digital or tape recordings ~~[shall be]~~ are public records ~~[pursuant~~
57 ~~to]~~ as defined in Title 63, Chapter 2, Government Records Access and Management Act, but
58 only written minutes ~~[shall]~~ may be used as evidence of the official action taken at such

59 meeting.

Legislative Review Note
as of 12-22-04 4:37 PM

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

Fiscal Note
Bill Number SB0143

Open and Public Meetings - Recording Requirement

03-Feb-05

4:33 PM

State Impact

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

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst