

ELECTRONIC MEETING AMENDMENT

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Douglas C. Aagard

LONG TITLE

General Description:

This bill modifies the Open and Public Meeting Statutes by amending certain electronic meeting provisions.

Highlighted Provisions:

This bill:

▶ requires a public body to ~~§~~→ **[adopted] adopt** ←~~§~~ a resolution, rule, or ordinance governing the use

of electronic meetings prior to holding an electronic meeting;

▶ allows the resolution, rule, or ordinance adopted by the public body to:

• prohibit or limit electronic meetings based on budget or logistical constraints;

• require a quorum of the public body to be present at a single anchor location for the meeting and vote to approve establishment of an electronic meeting;

• require a request for a electronic meeting to be made by a member of a public body up to ~~5~~→ **[14] 3** ←~~5~~ days prior to the meeting;

• restrict the number of separate connections for members of the public body that are allowed for an electronic meeting; or

• establish other procedures, limitations, or conditions governing electronic meetings not in conflict with certain statutes; and

▶ make technical changes.

Monies Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **52-4-7.8**, as last amended by Chapter 9, Laws of Utah 2001



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

35 Section 1. Section **52-4-7.8** is amended to read:

36 **52-4-7.8. Electronic meetings -- Authorization -- Requirements.**

37 (1) As used in this section:

38 (a) "Anchor location" means the physical location from which the electronic meeting
39 originates or from which the participants are connected.

40 (b) "Electronic meeting" means a public meeting convened or conducted by means of a
41 telephonic, telecommunications, or computer conference.

42 (c) "Electronic notice" means electronic mail or fax.

43 (d) "Monitor" means to:

44 (i) hear, live, by speaker, or by other equipment, all of the public statements of each
45 member of the public body who is participating in a meeting; or

46 (ii) see, by computer screen or other visual medium, all of the public statements of
47 each member of the public body who is participating in a meeting.

48 (e) "Participate" means the ability to communicate with all of the members of a public
49 body, either verbally or electronically, so that each member of the public body can hear or see
50 the communication.

51 (f) "Public hearing" means a meeting at which comments from the public will be
52 accepted.

53 (g) "Public statement" means a statement made in the ordinary course of business of
54 the public body with the intent that all other members of the public body receive it.

55 (2) A public body may, by following the procedures and requirements of this section,
56 convene and conduct an electronic meeting.

57 (3) (a) A public body may not hold an electronic meeting unless the public body has
58 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

- 59 (b) The resolution, rule, or ordinance may:
- 60 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
- 61 considerations;
- 62 (ii) require a quorum of the public body to:
- 63 (A) be present at a single anchor location for the meeting; and
- 64 (B) vote to approve establishment of an electronic meeting in order to include other
- 65 members of the public body through an electronic connection;
- 66 (iii) require a request for a electronic meeting to be made by a member of a public body
- 67 up to three days prior to the meeting to allow for arrangements to be made for the electronic
- 68 meeting;
- 69 (iv) restrict the number of separate connections for members of the public body that are
- 70 allowed for an electronic meeting based on available equipment capability; or
- 71 (v) establish other procedures, limitations, or conditions governing electronic meetings
- 72 not in conflict with this section.

- 73 ~~[(3)]~~ (4) Each public body convening or conducting an electronic meeting shall:
- 74 (a) give public notice of the meeting pursuant to Section 52-4-6 by:
- 75 (i) posting written notice at the anchor location; and
- 76 (ii) providing written or electronic notice to:
- 77 (A) at least one newspaper of general circulation within the state; and
- 78 (B) to a local media correspondent;
- 79 (b) in addition to giving public notice required by Subsection ~~[(3)]~~ (4)(a), provide:
- 80 (i) notice of the electronic meeting to the members of the public body at least 24 hours
- 81 before the meeting so that they may participate in and be counted as present for all purposes,
- 82 including the determination that a quorum is present; and
- 83 (ii) a description of how the members will be connected to the electronic meeting;
- 84 ~~[(c) establish written procedures governing the electronic meeting at which one or~~
- 85 ~~more members of a public body are participating by means of a telephonic or~~
- 86 ~~telecommunications conference;]~~
- 87 ~~[(d)]~~ (c) establish one or more anchor locations for the public meeting, at least one of
- 88 which is in the building and city where the public body would normally meet if they were not
- 89 holding an electronic meeting;

90 [~~(e)~~] (d) provide space and facilities at the anchor location so that interested persons
91 and the public may attend and monitor the open portions of the meeting; and

92 [~~(f)~~] (e) if the meeting is a public hearing, provide space and facilities at the anchor
93 location so that interested persons and the public may attend, monitor, and participate in the
94 open portions of the meeting.

95 [~~(4)~~] (5) Compliance with the provisions of this section by a public body constitutes
96 full and complete compliance by the public body with the corresponding provisions of Sections
97 52-4-3 and 52-4-6.

Legislative Review Note
as of 10-19-05 12:03 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

Interim Committee Note
as of 12-21-05 1:48 PM

The Government Operations Interim Committee recommended this bill.