

**MINUTES OF THE
HOUSE GOVERNMENT OPERATIONS STANDING COMMITTEE
ROOM W010, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
January 17, 2006**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
 Rep. Gregory H. Hughes, Vice Chair
 Rep. DeMar "Bud" Bowman
 Rep. Stephen D. Clark
 Rep. Neil A. Hansen
 Rep. Neal B. Hendrickson
 Rep. Eric K. Hutchings
 Rep. John G. Mathis
 Rep. Aaron Tilton
 Rep. Mark Wheatley

MEMBERS ABSENT: Rep. Craig W. Buttars

STAFF PRESENT: Benjamin N. Christensen, Managing Policy Analyst
 Carrie Griffith, Committee Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Aagard called the meeting to order at 8:06 a.m.

H.B. 101 Lobbyist Gift Limits and Disclosure (*Rep. J. Alexander*)

Rep. Alexander explained the bill to the committee.

Spoke for the bill: Douglas Foxley, attorney

MOTION: Rep. S. Clark moved to pass the bill out favorably. The motion passed, with Rep. Hansen, Rep. Hendrickson and Rep. Wheatley voting in opposition. Rep. Tilton was absent for the vote.

Rep. Aagard relinquished the chair to Rep. Hughes.

H.B. 12 Amendments to Government Records Access and Management Act (*Rep. D. Aagard*)

Rep. Aagard explained the bill it to the committee.

MOTION: Rep. Aagard moved to amend the bill as follows:

1. *Page 4, Lines 91 through 93:*

91 (8) "Elected official" means each person elected to a state office, county office,
92 municipal office, school board or school district office, or special district office, but does
not
93 include judges { standing for retention election } .

The motion to amend passed unanimously, with Rep. Tilton absent for the vote.

Spoke against the bill: Joel Campbell, Utah Media Coalition (handout)

Spoke to the bill: Paul Newton, Legislative Vice President Utah Land Title Association

MOTION: Rep. Hansen moved to amend the bill as follows:

1. *Page 5, Line 146 through Page 6, Line 152:*

146 (15) "Legislative body" means {
147 ~~(a)~~} the Legislature {
148 ~~(b) a county legislative body as defined in Subsection 68-3-12(2);~~
149 ~~(c) a city council or town council in the traditional management arrangement~~
150 ~~established by Title 10, Chapter 3, Part 1, Governing Body; or~~
151 ~~(d) a municipal council in the council-mayor or council-manager optional forms~~
of
152 government defined in Section 10-3-101} .

SUBSTITUTE

MOTION: Rep. S. Clark moved to proceed to the next item on the agenda. The motion passed, with Rep. Hutchings, Rep. Tilton, Rep. Hughes, and Rep. Aagard voting in opposition. Rep. Bowman was absent for the vote.

H.B. 14 Open Meetings Law Amendments (Rep. W. Harper)

Rep. Harper explained the bill to the committee.

MOTION: Rep. Hansen moved to amend the bill as follows:

1. *Page 1, Lines 12 through 16:*

12 ▶ clarifies the definition of meeting to include a premeeting , a workshop, or

- an executive
13 committee meeting;
- ▶ clarifies that a premeeting, a workshop, or an executive committee meeting is an open meeting unless closed in accordance with the act;
 - ▶ requires a premeeting, a workshop, or an executive committee meeting to be held at the location where the public body regularly conducts its open meetings and provides certain exceptions;
- 14 ▶ requires that all closed meetings be recorded;
- 15 ▶ requires that ~~{closed meetings generally be held in the same location as public~~
16 ~~meetings}~~ the reason or reasons for holding the closed meeting and the location of a closed meeting be publically announced and entered in the minutes of the open meeting at which the closed meeting is approved ;

2. *Page 2, Lines 31 through 32:*

- 31 52-4-2, as last amended by Chapter 89, Laws of Utah 1994
32 52-4-3, as enacted by Chapter 180, Laws of Utah 1977
52-4-4, as enacted by Chapter 180, Laws of Utah 1977

3. *Page 2, Lines 48 through 51:*

- 48 (2) (a) "Meeting" means the convening of a public body, with a quorum present,
49 including a premeeting, a workshop, or an executive committee meeting whether the
meeting is held in
50 person or by means of electronic equipment, for the purpose of discussing or acting upon a
51 matter over which the public body has jurisdiction or advisory power.

4. *Page 3, Lines 78 through 79:*

- 78 meeting that can be used to review the proceedings of the meeting.

Section 2. Section 52-4-3 is amended to read:

52-4-3. Meetings open to the public -- Exceptions.

~~{Every}~~ (1) A meeting is open to the public unless closed pursuant to
Sections 52-4-4 and 52-4-5.

(2) (a) A meeting that is open to the public includes a premeeting, a workshop, or an executive committee, unless closed in accordance with this chapter.

(b) Except as permitted under Section 52-4-7.8, a premeeting, a workshop, or an executive committee meeting may only be held at the location where the public body

regularly conducts its open meetings unless:

(i) the premeeting, workshop, or executive committee meeting is an electronic meeting conducted according to the requirements of Section 52-4-7.8; or

(ii) it is not practicable to conduct the premeeting, workshop, or executive committee meeting at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Renumber remaining sections accordingly.

5. *Page 4, Lines 91 through 104:*

91 (4) The following information shall be publically announced and entered in the
minutes of the open meeting at

92 which the closed meeting was approved:

93 (a) the reason or reasons for holding [a] the closed meeting; ~~{-and-}~~ =

(b) the location where the closed meeting will be held; and

94 ~~{(b)}~~ (c) the vote of each member of the public body, either for or against
the [proposition]

95 motion to hold [such a] the closed meeting[- cast by each member by name shall be entered
on

96 the minutes of the meeting].

97 ~~{(5) Except as permitted under Section 54-2-7.8, a closed meeting shall be
conducted at~~

98 the location where the public body regularly conducts its open meetings unless:

99 ~~— (a) the closed meeting is an electronic meeting conducted according to the
100 requirements of Section 54-2-7.8; or~~

101 ~~— (b) it is not practicable to conduct the closed meeting at the regular location of
the~~

102 public body's open meetings due to an emergency or extraordinary
circumstances. }

103 ~~{(6)}~~ (5) Nothing in this chapter shall be construed to require any meeting
to be closed to the

104 public.

The motion to amend passed unanimously, with Rep. Bowman absent for the vote.

Spoke to the bill: Chad Harris, Utah School Board

MOTION: Rep. Hutchings moved to pass the bill out favorably. The motion passed unanimously, with Rep. Bowman absent for the vote.

H.B. 16 Revisions to Open and Public Meetings Law (*Rep. G. Donnelson*)

Rep. Donnelson explained the bill to the committee.

Spoke to the bill: Chris Finlinson, Central Utah Water Conservancy District
Joel Campbell, Utah Media Association

MOTION: Rep. Tilton moved to pass the bill out favorably. The motion passed, with Rep. Hansen and Rep. Hendrickson voting in opposition. Rep. Bowman was absent for the vote.

MOTION: Rep. Hansen moved to adjourn. The motion passed unanimously with Rep. Bowman absent for the vote.

Rep. Hughes adjourned the meeting at 9:50 a.m.

Rep. Douglas C. Aagard, Chair