

UTAH PUBLIC NOTICE WEBSITE**PROVISIONS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: _____

LONG TITLE**General Description:**

This bill establishes Title 63F, Chapter 1, Part 7, Utah Public Notice Website, which establishes a statewide public notice website, requires notice of public meetings to be posted to the website, and permits public entities to post notice on the website and to abbreviate the notice published in the newspaper.

Highlighted Provisions:

This bill:

- ▶ modifies notice requirements in the Interlocal Cooperation Act to ensure compliance with notice provisions of the Open and Public Meetings Act;
- ▶ amends the Open and Public Meetings Act to require notice of meetings to be posted on the Utah Public Notice Website;
- ▶ amends the duties of the Division of Archives and Records Service;
- ▶ authorizes the Division of Archives and Records Service, with the technical assistance of the Department of Technology Services, to establish and maintain a Utah Public Notices Website;
- ▶ requires the website to be easily accessible to the public;
- ▶ provides requirements for the website;
- ▶ provides that responsibility for the content of notices posted and the timing of notices posted is the responsibility of the public body posting the notice;



- 28 ▶ permits a public body to post notice to the website and to abbreviate the notice
29 published in the newspaper, if the public body:
- 30 • is not prohibited from doing so by another law or rule;
 - 31 • posts to the website all of the information that would have been required to be
32 published in the newspaper;
 - 33 • posts the notice on the website for at least the period required for newspaper
34 publication; and
 - 35 • publishes a brief summary of the website posting and the address of the website
36 in the newspaper on the dates required by law;
- 37 ▶ requires the Division of Archives and Records Service to keep a historical archive
38 of all notices posted to the website; and
- 39 ▶ requires the Division of Archives and Records Service to provide public bodies with
40 notice of the provisions of the part and to provide training, as necessary, on the use
41 of the website.

42 Monies Appropriated in this Bill:

43 None

44 Other Special Clauses:

45 None

46 Utah Code Sections Affected:**47 AMENDS:**

48 **11-13-223**, as last amended by Chapter 14, Laws of Utah 2006

49 **52-4-202**, as renumbered and amended by Chapter 14 and last amended by Chapter
50 265, Laws of Utah 2006

51 **63-2-901**, as last amended by Chapter 280, Laws of Utah 1992

52 ENACTS:

53 **63F-1-701**, Utah Code Annotated 1953

54 **63F-1-702**, Utah Code Annotated 1953

55 **63F-1-703**, Utah Code Annotated 1953

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

58 Section 1. Section **11-13-223** is amended to read:

11-13-223. Open and public meetings.

(1) To the extent that an interlocal entity is subject to or elects, by formal resolution of its governing body to comply with the provisions of Title 52, Chapter 4, Open and Public Meetings Act, it may for purposes of complying with those provisions:

(a) convene and conduct any public meeting by means of a telephonic or telecommunications conference; and

(b) give public notice of its meeting pursuant to the requirements of Section 52-4-202 [by:].

~~[(i) posting written notice at the principal office of the governing body of the interlocal entity, or if no such office exists, at the building where the meeting is to be held; and]~~

~~[(ii) providing notice to at least one newspaper of general circulation within the boundaries of the municipality in which that principal office is located, or to a local media correspondent.]~~

(2) In order to convene and conduct a public meeting by means of a telephonic or telecommunications conference, each interlocal entity shall if it is subject to or elects by formal resolution of its governing body to comply with Title 52, Chapter 4, Open and Public Meetings Act:

(a) in addition to giving public notice required by Subsection (1) provide:

(i) notice of the telephonic or telecommunications conference to the members of the governing body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

(ii) a description of how the members will be connected to the telephonic or telecommunications conference;

(b) establish written procedures governing the conduct of any meeting at which one or more members of the governing body are participating by means of a telephonic or telecommunications conference;

(c) provide for an anchor location for the public meeting at the principal office of the governing body; and

(d) provide space and facilities for the physical attendance and participation of interested persons and the public at the anchor location, including providing for interested persons and the public to hear by speaker or other equipment all discussions and deliberations

of those members of the governing body participating in the meeting by means of telephonic or telecommunications conference.

(3) Compliance with the provisions of this section by a governing body constitutes full and complete compliance by the governing body with the corresponding provisions of Sections 52-4-201 and 52-4-202, to the extent that those sections are applicable to the governing body.

Section 2. Section **52-4-202** is amended to read:

52-4-202. Public notice of meetings -- Emergency meetings.

(1) A public body shall give not less than 24 hours public notice of each meeting including the meeting:

- (a) agenda;
- (b) date;
- (c) time; and
- (d) place.

(2) (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.

(b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.

(3) Public notice shall be satisfied by:

(a) posting written notice:

(i) at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; and

(ii) on the Utah Public Notice Website established under Section 63F-1-701; and

(b) providing notice to:

(i) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or

(ii) a local media correspondent.

(4) A public body is encouraged to:

(a) develop and use other electronic means to provide notice of its meetings under Subsection (3)~~(b)~~; and

(b) provide public notice to all other media agencies that make a periodic written

request to receive them[; and].

~~[(c) post public notice of its meetings on the Internet.]~~

(5) (a) The notice requirement of Subsection (1) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the best notice practicable is given.

(b) An emergency meeting of a public body may not be held unless:

(i) an attempt has been made to notify all of its members; and

(ii) a majority of its members approves holding the meeting.

(6) (a) A public notice that is required to include an agenda under Subsection (2) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(b) Except as provided in ~~[Subsection]~~ Subsections (5) and ~~[Subsection]~~ (6)(c), a public body may not consider a topic in an open meeting that is not:

(i) listed under an agenda item under Subsection (6)(a); and

(ii) included with the advanced public notice in accordance with this section.

(c) A topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.

Section 3. Section **63-2-901** is amended to read:

63-2-901. Division of Archives and Records Service created -- Duties.

(1) There is created the Division of Archives and Records Service within the Department of Administrative Services.

(2) The state archives shall:

(a) administer the state's archives and records management programs, including storage of records, central microphotography programs, and quality control;

(b) apply fair, efficient, and economical management methods to the collection, creation, use, maintenance, retention, preservation, disclosure, and disposal of records and documents;

(c) establish standards, procedures, and techniques for the effective management and physical care of records;

(d) conduct surveys of office operations and recommend improvements in current

records management practices, including the use of space, equipment, automation, and supplies used in creating, maintaining, storing, and servicing records;

(e) establish standards for the preparation of schedules providing for the retention of records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, historical, legal, or fiscal value to warrant further retention;

(f) establish, maintain, and operate centralized microphotography lab facilities and quality control for the state;

(g) provide staff and support services to the records committee;

(h) develop training programs to assist records officers and other interested officers and employees of governmental entities to administer this chapter;

(i) provide access to public records deposited in the archives;

(j) administer and maintain the Utah Public Notice Website established under Section 63F-1-701;

~~[(j)]~~ (k) provide assistance to any governmental entity in administering this chapter; and

~~[(k)]~~ (l) prepare forms for use by all governmental entities for a person requesting access to a record.

(3) The state archives may:

(a) establish a report and directives management program; and

(b) establish a forms management program.

(4) The executive director of the Department of Administrative Services may direct the state archives to administer other functions or services consistent with this chapter.

Section 4. Section **63F-1-701** is enacted to read:

Part 7. Utah Public Notice Website

63F-1-701. Utah Public Notice Website -- Establishment and administration.

(1) As used in this part:

(a) "Division" means the Division of Archives and Records Service of the Department of Administrative Services.

(b) "Public body" has the same meaning as provided under Section 52-4-103.

(c) "Website" means the Utah Public Notice Website created under this section.

183 (2) There is created the Utah Public Notice Website to be administered by the Division
184 of Archives and Records Service.

185 (3) The website shall consist of an Internet website provided to assist the public to find
186 all posted public notices of a public body of the state and its political subdivisions as required
187 under Title 52, Chapter 4, Open and Public Meetings Act, and under other state statutes or state
188 agency rules.

189 (4) The division, with the technical assistance of the Department of Technology
190 Services, shall create the website which shall:

191 (a) allow a public body, or other certified entity, to easily post any public notice
192 information that the public body or other entity is required to post under statute;

193 (b) allow the public to search the public notices by:

194 (i) public body name;

195 (ii) date of posting of the notice;

196 (iii) date any meeting or deadline included as part of the public notice; and

197 (iv) by any other criteria approved by the division;

198 (c) allow the public to search and view past, archived public notices, beginning with
199 notices posted on or after July 1, 2007;

200 (d) allow a person to subscribe to receive updates and notices associated with a public
201 body or a particular type of notice;

202 (e) be easily accessible by the public from the State of Utah home page;

203 (f) have a unique and simplified website address;

204 (g) shall be directly accessible via a link from the main page of the official state
205 website; and

206 (h) include other links, features, or functionality that will assist the public in obtaining
207 and reviewing information in relation to public notices posted on the website, as may be
208 approved by the division.

209 (5) The division shall be responsible for:

210 (a) establishing and maintaining the website, including the provision of equipment,
211 resources, and personnel as is necessary;

212 (b) providing a mechanism for public bodies or other certified entities to have access to
213 the website for the purpose of posting and modifying notices; and

214 (c) maintaining an archive of all notices posted to the website.

215 (6) The timing for posting and the content of the public notices posted to the website
216 shall be the responsibility of the public body or other entity posting the notice.

217 Section 5. Section **63F-1-702** is enacted to read:

218 **63F-1-702. Posting of notice in lieu of newspaper publication.**

219 (1) Unless otherwise prohibited by law, a public body that is required to publish notice
220 of a meeting or other official action in a newspaper under state law or rule is in compliance
221 with that requirement if:

222 (a) the information otherwise required to be published in a newspaper is posted on the
223 Utah Public Notice Website established under Section 63F-1-701;

224 (b) the information is posted to the website no later than the first date that publication
225 would be required to be published by newspaper; and

226 (c) notice of the posting is published in the newspaper on the same dates and duration
227 that publication is required under the state law or rule that requires publication by newspaper.

228 (2) Notice of the posting required by Subsection (1)(c) shall contain:

229 (a) the name of the public body posting notice;

230 (b) a title or brief description that identifies the nature of the notice posted;

231 (c) a statement that further information may be obtained at the Utah Public Notice
232 Website; and

233 (d) the address of the Utah Public Notice Website.

234 Section 6. Section **63F-1-703** is enacted to read:

235 **63F-1-703. Notice and training by the Division of Archives and Records Service.**

236 (1) The division shall provide notice of the provisions and requirements of this chapter
237 to all public bodies that are subject to this part.

238 (2) The division shall, as necessary, provide periodic training on the use of the Utah
239 Public Notice Website to public bodies that are authorized to post notice on the website.

Legislative Review Note

as of 1-23-07 6:24 PM

Office of Legislative Research and General Counsel

S.B. 67 - Utah Public Notice Website Provisions**Fiscal Note**

2007 General Session

State of Utah

State Impact

Enactment of this bill will require a General Fund appropriation of \$160,100 in FY 2008 to the Division of Archives and Records Services. Of that amount, \$91,400 is the estimated start-up cost to create the Utah Public Notice Website. On-going costs of maintaining the website is estimated at \$68,700 for staff and related expenses.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$68,700	\$68,700	\$0	\$0	\$0
General Fund, One-Time	\$0	\$91,400	\$0	\$0	\$0	\$0
Total	\$0	\$160,100	\$68,700	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments may experience some savings as provisions of the bill would allow them to publish abbreviated notices in newspapers.