

Representative Melvin R. Brown proposes the following substitute bill:

MINUTES OF OPEN AND PUBLIC MEETINGS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

This bill modifies the Open and Public Meetings Act by amending provisions related to minutes of meetings.

Highlighted Provisions:

This bill:

- ▶ requires written minutes of open meetings to be available to the public within 14 days after the date of the meeting;

- ▶ clarifies that drafts of written minutes of an open meeting may be classified as a protected draft;

- ▶ provides that minutes of an open meeting are public records when they are distributed for approval by the public body; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **52-4-203**, as last amended by Laws of Utah 2007, Chapters 35, 204, and 329

27

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

29 Section 1. Section **52-4-203** is amended to read:

30 **52-4-203. Minutes of open meetings -- Public records -- Recording of meetings.**

31 (1) Except as provided under Subsection (8), written minutes and a recording shall be
32 kept of all open meetings.

33 (2) Written minutes of an open meeting shall include:

34 (a) the date, time, and place of the meeting;

35 (b) the names of members present and absent;

36 (c) the substance of all matters proposed, discussed, or decided by the public body
37 which may include a summary of comments made by members of the public body;

38 (d) a record, by individual member, of each vote taken by the public body;

39 (e) the name of each person who is not a member of the public body, and upon
40 recognition by the presiding member of the public body, provided testimony or comments to
41 the public body;

42 (f) the substance, in brief, of the testimony or comments provided by the public under
43 Subsection (2)(e); and

44 (g) any other information that any member requests be entered in the written minutes
45 or recording.

46 (3) A recording of an open meeting shall:

47 (a) be a complete and unedited record of all open portions of the meeting from the
48 commencement of the meeting through adjournment of the meeting; and

49 (b) be properly labeled or identified with the date, time, and place of the meeting.

50 (4) (a) The written minutes [~~and recordings~~] of an open meeting are public records and
51 shall be available [~~within a reasonable time after the meeting.~~] to the public within 14 days
52 after the date of the meeting.

53 (b) Subject to the limitations under this Subsection (4), drafts of written minutes of an
54 open meeting may be classified as a protected draft under Section 63-2-304.

55 (c) Notwithstanding the provisions of Subsection (4)(a), written minutes of an open
56 meeting are public records at the time they are distributed:

57 (i) to the public body for their approval; or

58 (ii) under Subsection 63-2-301(3)(j).

59 (d) The recordings of an open meeting are public records and shall be available to the
60 public within a reasonable time after the meeting.

61 ~~[(b) An open meeting record kept only by a recording must be converted to written~~
62 ~~minutes within a reasonable time upon request.]~~

63 (5) All or any part of an open meeting may be independently recorded by any person in
64 attendance if the recording does not interfere with the conduct of the meeting.

65 (6) ~~[Minutes]~~ Written minutes or recordings of an open meeting that are required to be
66 retained permanently shall be maintained in or converted to a format that meets long-term
67 records storage requirements.

68 (7) Written minutes and recordings of open meetings are public records under Title 63,
69 Chapter 2, Government Records Access and Management Act, but written minutes shall be the
70 official record of action taken at the meeting.

71 (8) Either written minutes or a recording shall be kept of:

72 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
73 by the public body; and

74 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
75 Government Entities - Local Districts, or special service district under Title 17A, Chapter 2,
76 Part 13, Utah Special Service District Act, if the district's annual budgeted expenditures for all
77 funds, excluding capital expenditures and debt service, are \$50,000 or less.

H.B. 166 2nd Sub. (Gray) - Minutes of Open and Public Meetings

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
