

5th Sub. S.B. 38
TRANSPARENCY IN GOVERNMENT

Representative **Melvin R. Brown** proposes the following amendments:

1. *Page 1, Lines 9 through 18:*

9 This bill modifies the Utah Administrative Services Code by providing that certain
10 public financial information be made available on the Internet and modifies certain
11 notice **and minutes** requirements of the Open and Public Meetings Act.

12 Highlighted Provisions:

13 This bill:

14 ▶ extends the date that notice of open and public meetings must be placed on the Utah
15 Public Notice Website from April 1, 2008 to October 1, 2008;

16 ▶ prohibits a court from voiding a final action taken by a public body for failure to
17 comply with the posting written notice requirements on the Utah Public Notice

18 Website if the posting is made for a meeting that is held prior to April 1, 2009; =

▶ **requires written minutes of open meetings to be available to the public within 21 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 the are distributed for the public body's approval;**

2. *Page 2, Lines 50 through 51:*

50 AMENDS:

51 52-4-202, as last amended by Laws of Utah 2007, Chapters 45 and 249

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

3. *Page 4, Lines 113 through 114:*

113 (i) listed under an agenda item as required by Subsection (6)(a); and

114 (ii) included with the advance public notice required by this section.

= **Section 2. Section 52-4-203 is amended to read:**

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

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

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

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

- (b) the names of members present and absent;
 - (c) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
 - (d) a record, by individual member, of each vote taken by the public body;
 - (e) the name of each person who is not a member of the public body, and upon recognition by the presiding member of the public body, provided testimony or comments to the public body;
 - (f) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e);
- and

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

(3) A recording of an open meeting shall:

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

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

(4) (a) The written minutes ~~{and recordings}~~ of an open meeting are public records and shall be available ~~{within a reasonable time after the meeting.}~~ to the public within 21 days after the date of the meeting.

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

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

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

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

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

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

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

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

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

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

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

and

(b) an open meeting of a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,

if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Renumber remaining sections accordingly.