

**PUBLIC OFFICIAL CONTACT INFORMATION**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: Carl Wimmer

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**LONG TITLE**

**General Description:**

This bill requires elected officials and school community council members to have contact information and accordingly amends the Government Records Access and Management Act.

**Highlighted Provisions:**

This bill:

▸ requires a community council member to have a telephone number **H→, if available, ←H** and email

address **H→, if available, ←H** where the member can be reached;

▸ requires an elected official to have a telephone number **H→, if available, ←H** and email address **H→, if available, ←H** where the

official can be reached **S→ directly ←S** ;

▸ provides that the contact information is public under the Government Records Access and Management Act; and

▸ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

**H→ [None] This bill coordinates with H.B. 186, Utah Code Technical Amendments, by providing superseding technical amendments. ←H**

**Utah Code Sections Affected:**

AMENDS:

**53A-1a-108**, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332



28 **63G-2-301**, as last amended by Laws of Utah 2009, Chapter 344

29 ENACTS:

30 **11-46-101**, Utah Code Annotated 1953

31 **11-46-102**, Utah Code Annotated 1953

32 **11-46-103**, Utah Code Annotated 1953

32a **Ĥ→ Utah Code Sections Affected by Coordination Clause:**

32b **53A-1a-108, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332 ←Ĥ**



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

35 Section 1. Section **11-46-101** is enacted to read:

36 **CHAPTER 46. ACCESS TO ELECTED OFFICIALS**

37 **11-46-101. Title.**

38 This chapter is known as "Access to Elected Officials."

39 Section 2. Section **11-46-102** is enacted to read:

40 **11-46-102. Definitions.**

41 For purposes of this chapter, "elected official" means each person elected to a county  
42 office, municipal office, school board or school district office, local district office, or special  
43 service district office, but does not include judges.

44 Section 3. Section **11-46-103** is enacted to read:

45 **11-46-103. Public contact information.**

46 Each elected official shall have a telephone number Ĥ→ , if available, ←Ĥ and an email  
46a address Ĥ→ , if available, ←Ĥ where that  
47 elected official may be reached Ŝ→ directly ←Ŝ .

48 Section 4. Section **53A-1a-108** is amended to read:

49 **53A-1a-108. School community councils authorized -- Duties -- Composition --**

50 **Election procedures and selection of members.**

51 (1) As used in this section:

52 (a) (i) "Parent or guardian member" means a member of a school community council  
53 who is a parent or guardian of a student who is attending the school or who will be enrolled at  
54 the school at any time during the parent's or guardian's initial term of office.

55 (ii) "Parent or guardian member" may not include a person who meets the definition of  
56 a school employee member unless the person's employment at the school does not exceed an  
57 average of six hours per week.

58 (b) "School employee member" means a member of a school community council who

90 shall serve as an ex officio member with full voting privileges.

91 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election  
92 held at the school by a majority vote of those voting at the election and serve a two-year term.

93 (ii) Only parents or guardians of students attending the school may vote at the election  
94 under Subsection (5)(b)(i).

95 (iii) Any parent or guardian of a student who meets the qualifications of this section  
96 may file or declare himself as a candidate for election to a school community council.

97 (c) (i) The principal of the school, or the principal's designee, shall provide notice of  
98 the available community council positions to school employees, parents, and guardians at least  
99 14 days before the date that voting commences for the elections held under Subsections (5)(a)  
100 and (5)(b).

101 (ii) The notice shall include:

102 (A) the dates and times of the elections;

103 (B) a list of council positions that are up for election; and

104 (C) instructions for becoming a candidate for a community council position.

105 (iii) The principal of the school, or the principal's designee, shall oversee the elections  
106 held under Subsections (5)(a) and (5)(b).

107 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a  
108 secure ballot box[;].

109 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made  
110 available to the public upon request.

111 (e) (i) If a parent or guardian position on a school community council remains unfilled  
112 after an election is held, the other parent or guardian members of the council shall appoint a  
113 parent or guardian who meets the qualifications of this section to fill the position.

114 (ii) If a school employee position on a school community council remains unfilled after  
115 an election is held, the other school employee members of the council shall appoint a school  
116 employee to fill the position.

117 (iii) The chair of the community council shall notify the local school board of each  
118 appointment made under Subsection (5)(e)[(i), (ii), or (iii)] ~~Ĥ~~→ (i) or (ii) ←Ĥ .

119 (iv) A member appointed to a school community council under Subsection (5)(e)(i) or  
120 (ii) shall serve a two-year term.

121 (f) Initial terms shall be staggered so that no more than 50% of the council members  
122 stand for election in any one year.

123 (g) (i) Each public school, in consultation with its local school board, shall set the  
124 beginning date of the term of office for school community council members.

125 (ii) Council members may serve up to three successive terms.

126 (h) (i) Each school community council shall elect a chair and vice chair from its parent  
127 or guardian members and elected employee members.

128 (ii) No more than one parent or guardian member or elected employee member may at  
129 the same time serve as an officer specified in Subsection (5)(h)(i).

130 (6) (a) A school community council may create subcommittees or task forces to:

131 (i) advise or make recommendations to the council; or

132 (ii) develop all or part of a plan listed in Subsection (3).

133 (b) Any plan or part of a plan developed by a subcommittee or task force shall be  
134 subject to the approval of the school community council.

135 (c) A school community council may appoint individuals who are not council members  
136 to serve on a subcommittee or task force, including parents, school employees, or other  
137 community members.

138 (7) (a) A school community council shall provide the following information:

139 (i) the proposed school community council meeting schedule for the year, provided  
140 during the first two weeks of the school year;

141 (ii) a summary of the school community council's actions and activities during the first  
142 half of the school year information, provided at the mid-point of the school year; [~~and~~]

143 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the  
144 school's School LAND Trust Program monies were used to enhance or improve academic  
145 excellence at the school and implement a component of the school's improvement plan,  
146 provided at the beginning of the next school year[.]; and

147 (iv) a telephone number ~~H→~~ , if available, ~~←H~~ and email address ~~H→~~ , if available, ~~←H~~  
147a where each community council member

148 can be reached ~~S→~~ directly ~~←S~~ .

149 (b) The school community council shall provide the information described in  
150 Subsection (7)(a) by:

151 (i) posting the information on the school's website; and

214 permission to make the records available to the public;

215 (j) documentation of the compensation that a governmental entity pays to a contractor  
216 or private provider;

217 (k) summary data; [~~and~~]

218 (l) voter registration records, including an individual's voting history, except for those  
219 parts of the record that are classified as private in Subsection 63G-2-302(1)(i)[-];

220 (m) for an elected official, as defined in Section 11-46-102, a telephone number ~~H→~~ , if  
220a available, ~~←H~~ and  
221 email address ~~H→~~ , if available, ~~←H~~ where that elected official may be reached as required in  
221a Title 11, Chapter 46,

222 Access to Elected Officials; and

223 (n) for a school community council member, a telephone number ~~H→~~ , if available, ~~←H~~  
223a and email address ~~H→~~ , if available, ~~←H~~  
224 where that elected official may be reached ~~S→ directly ←S~~ as required in Section 53A-1a-108.

225 (3) The following records are normally public, but to the extent that a record is  
226 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
227 Section 63G-2-302, 63G-2-304, or 63G-2-305:

228 (a) administrative staff manuals, instructions to staff, and statements of policy;

229 (b) records documenting a contractor's or private provider's compliance with the terms  
230 of a contract with a governmental entity;

231 (c) records documenting the services provided by a contractor or a private provider to  
232 the extent the records would be public if prepared by the governmental entity;

233 (d) contracts entered into by a governmental entity;

234 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
235 by a governmental entity;

236 (f) records relating to government assistance or incentives publicly disclosed,  
237 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a  
238 business in Utah, except as provided in Subsection 63G-2-305(35);

239 (g) chronological logs and initial contact reports;

240 (h) correspondence by and with a governmental entity in which the governmental entity  
241 determines or states an opinion upon the rights of the state, a political subdivision, the public,  
242 or any person;

243 (i) empirical data contained in drafts if:

244 (i) the empirical data is not reasonably available to the requester elsewhere in similar

276 governmental entity, but not including records that initiate employee discipline.

277 (4) The list of public records in this section is not exhaustive and should not be used to  
278 limit access to records.

278a **H→ Section 6. Coordinating with H.B. 186 -- Superseding technical amendments.**

278b **If this S.B. 142 and H.B. 186, Utah Code Technical Amendments, both pass, it is**  
278c **the intent of the Legislature that the amendments to Subsection 53A-1a-108(5)(e)(iii) in**  
278d **this bill supersede the amendments to Subsection 53A-1a-108(5)(e)(iii) in H.B. 186 when**  
278e **the Office of Legislative Research and General Counsel prepares the Utah Code database**  
278f **for publication. ←H**

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**Legislative Review Note**  
**as of 1-27-11 3:51 PM**

**Office of Legislative Research and General Counsel**