1 **AMENDMENTS TO OPEN AND PUBLIC MEETINGS ACT**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig A. Frank**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9   This bill amends Title 52, Chapter 4, Open and Public Meetings Act.

10 **Highlighted Provisions:**

11   This bill:

12   ▸ amends the definition of public body to include a subset of the public body; and

13   ▸ makes technical changes.

14 **Money Appropriated in this Bill:**

15   None

16 **Other Special Clauses:**

17   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20   **52-4-103**, as last amended by Laws of Utah 2011, Chapters 25 and 215

21

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

23   Section 1. Section **52-4-103** is amended to read:

24   **52-4-103. Definitions.**

25   As used in this chapter:

26   (1) "Anchor location" means the physical location from which:

27   (a) an electronic meeting originates; or

28   (b) the participants are connected.

29   (2) "Convening" means the calling of a meeting of a public body by a person

30   authorized to do so for the express purpose of discussing or acting upon a subject over which

31   that public body has jurisdiction or advisory power.

32   (3) "Electronic meeting" means a public meeting convened or conducted by means of a

33   conference using electronic communications.

34   (4) "Electronic message" means a communication transmitted electronically, including:

35   (a) electronic mail;

36   (b) instant messaging;

37   (c) electronic chat;

38   (d) text messaging as defined in Section 76-4-401; or

39   (e) any other method that conveys a message or facilitates communication

40   electronically.

41   (5) (a) "Meeting" means the convening of a public body, with a quorum present,

42   including a workshop or an executive session whether the meeting is held in person or by

43   means of electronic communications, for the purpose of discussing, receiving comments from

44   the public about, or acting upon a matter over which the public body has jurisdiction or

45   advisory power.

46   (b) "Meeting" does not mean:

47   (i) a chance meeting;

48   (ii) a social meeting;

49   (iii) the convening of a public body that has both legislative and executive

50   responsibilities where no public funds are appropriated for expenditure during the time the

51   public body is convened and:

52   (A) the public body is convened solely for the discussion or implementation of

53   administrative or operational matters for which no formal action by the public body is required;

54   or

55   (B) the public body is convened solely for the discussion or implementation of

56   administrative or operational matters that would not come before the public body for

57   discussion or action; or

58   (iv) a meeting of the State Tax Commission to consider a confidential tax matter in

59 accordance with Section 59-1-405.

60   (6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the

61 public statements of each member of the public body who is participating in a meeting.

62   (7) "Participate" means the ability to communicate with all of the members of a public

63 body, either verbally or electronically, so that each member of the public body can hear or

64 observe the communication.

65   (8) (a) "Public body" means:

66   (i) any administrative, advisory, executive, or legislative body of the state or its

67 political subdivisions that:

68   [(i)] (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

69   [(ii)] (B) consists of two or more persons;

70   [(iii)] (C) expends, disburses, or is supported in whole or in part by tax revenue; and

71   [(iv)] (D) is vested with the authority to make decisions regarding the public's

72 business[.]; and

73   (ii) two or more persons belonging to a body described in Subsection (8)(a)(i) who are

74 assigned by the body or a presiding officer of the body to discuss an issue about which the body

75 has authority to make a decision or take action.

76   (b) "Public body" does not include a:

77   (i) political party, political group, or political caucus; or

78   (ii) conference committee, rules committee, or sifting committee of the Legislature.

79   (9) "Public statement" means a statement made in the ordinary course of business of

80 the public body with the intent that all other members of the public body receive it.

81   (10) (a) "Quorum" means a simple majority of the membership of a public body, unless

82 otherwise defined by applicable law.

83   (b) "Quorum" does not include a meeting of two elected officials by themselves when

84 no action, either formal or informal, is taken on a subject over which these elected officials

85 have advisory power.

86   (11) "Recording" means an audio, or an audio and video, record of the proceedings of a

87 meeting that can be used to review the proceedings of the meeting.

88   (12) "Transmit" means to send, convey, or communicate an electronic message by

89 electronic means.

Legislative Review Note
       as of   1-27-12 2:52 PM

                                                          Office of Legislative Research and General Counsel