

1                   **CONSERVATION DISTRICTS - CLOSED MEETINGS**

2                                   **AMENDMENTS**

3   2013 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: David P. Hinkins**

6                                   House Sponsor: John G. Mathis

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8 **LONG TITLE**

9 **General Description:**

10           This bill enacts language authorizing a closed meeting for certain conservation district  
11 projects.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ enacts language authorizing a closed meeting for certain conservation district  
15 projects; and

16           ▶ makes technical corrections.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **52-4-205**, as last amended by Laws of Utah 2012, Chapters 327 and 365

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

26           Section 1. Section **52-4-205** is amended to read:

27           **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed**



28 **meetings.**

29 (1) A closed meeting described under Section 52-4-204 may only be held for:

30 (a) except as provided in Subsection (3), discussion of the character, professional  
31 competence, or physical or mental health of an individual;

32 (b) strategy sessions to discuss collective bargaining;

33 (c) strategy sessions to discuss pending or reasonably imminent litigation;

34 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,  
35 including any form of a water right or water shares, if public discussion of the transaction  
36 would:

37 (i) disclose the appraisal or estimated value of the property under consideration; or

38 (ii) prevent the public body from completing the transaction on the best possible terms;

39 (e) strategy sessions to discuss the sale of real property, including any form of a water  
40 right or water shares, if:

41 (i) public discussion of the transaction would:

42 (A) disclose the appraisal or estimated value of the property under consideration; or

43 (B) prevent the public body from completing the transaction on the best possible terms;

44 (ii) the public body previously gave public notice that the property would be offered for  
45 sale; and

46 (iii) the terms of the sale are publicly disclosed before the public body approves the  
47 sale;

48 (f) discussion regarding deployment of security personnel, devices, or systems;

49 (g) investigative proceedings regarding allegations of criminal misconduct;

50 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
51 relating to the receipt or review of ethics complaints;

52 (i) as relates to an ethics committee of the Legislature, a purpose permitted under  
53 Subsection 52-4-204(1)(a)(iii)(B);

54 (j) as relates to a county legislative body, discussing commercial information as  
55 defined in Section 59-1-404;

56 (k) as relates to the Utah Higher Education Assistance Authority and its appointed  
57 board of directors, discussing fiduciary or commercial information as defined in Section  
58 53B-12-102; or

59 (1) a purpose for which a meeting is required to be closed under Subsection (2).

60 (2) The following meetings shall be closed:

61 (a) a meeting of the Health and Human Services Interim Committee to review a fatality  
62 review report described in Subsection 62A-16-301(1)(a), and the responses to the report  
63 described in Subsections 62A-16-301(2) and (4); ~~and~~

64 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

65 (i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the  
66 responses to the report described in Subsections 62A-16-301(2) and (4); or

67 (ii) review and discuss an individual case, as described in Subsection  
68 62A-4a-207(5)[:]; and

69 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose  
70 of advising the Natural Resource Conservation Service of the United States Department of  
71 Agriculture on a farm improvement project if the discussed information is protected  
72 information under federal law.

73 (3) In a closed meeting, a public body may not:

74 (a) interview a person applying to fill an elected position;

75 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,  
76 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;  
77 or

78 (c) discuss the character, professional competence, or physical or mental health of the  
79 person whose name was submitted for consideration to fill a midterm vacancy or temporary  
80 absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and  
81 Temporary Absence in Elected Office.

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**Legislative Review Note**  
**as of 1-3-13 9:25 AM**

**Office of Legislative Research and General Counsel**