

HB0091S01 compared with HB0091

~~{deleted text}~~ shows text that was in HB0091 but was deleted in HB0091S01.

inserted text shows text that was not in HB0091 but was inserted into HB0091S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Marie H. Poulson proposes the following substitute bill:

OPEN AND PUBLIC MEETINGS ACT REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marie H. Poulson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

~~{ → subjects certain committees, commissions, task forces, or other bodies to the Open and Public Meetings Act if they contain one or more members who are elected officials;~~

~~‡ ▶ requires a public body whose membership includes a legislator to post notice of its meetings on the Legislature's website ~~{; and}~~;~~

~~{ → makes technical changes.~~

~~‡~~ Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{ 52-4-102, as renumbered and amended by Laws of Utah 2006, Chapter 14~~

~~52-4-103, as last amended by Laws of Utah 2012, Chapter 277~~

+ 52-4-202, as last amended by Laws of Utah 2009, First Special Session, Chapter 5

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

Section 1. Section ~~{52-4-102}~~52-4-202 is amended to read:

~~{ 52-4-102. Declaration of public policy.~~

~~———— (1) The Legislature finds and declares that the state, its agencies and political subdivisions, and public committees exist to aid in the conduct of the people's business.~~

~~———— (2) It is the intent of the Legislature that the state, its agencies[,] and [its] political subdivisions, and public committees:~~

~~———— (a) take their actions openly; and~~

~~———— (b) conduct their deliberations openly.~~

~~———— Section 2. Section 52-4-103 is amended to read:~~

~~———— 52-4-103. Definitions.~~

~~———— As used in this chapter:~~

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

~~———— (a) an electronic meeting originates; or~~

~~———— (b) the participants are connected.~~

~~———— (2) "Convening" means the calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.~~

~~———— (3) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.~~

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

~~———— (a) electronic mail;~~

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~~—— (b) instant messaging;~~

~~—— (c) electronic chat;~~

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

~~—— (e) any other method that conveys a message or facilitates communication electronically.~~

~~—— (5) (a) "Meeting" means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.~~

~~—— (b) "Meeting" does not mean:~~

~~—— (i) a chance meeting;~~

~~—— (ii) a social meeting;~~

~~—— (iii) the convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the public body is convened and:~~

~~—— (A) the public body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required; or~~

~~—— (B) the public body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the public body for discussion or action; or~~

~~—— (iv) a meeting of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405.~~

~~—— (6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.~~

~~—— (7) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.~~

~~—— (8) (a) "Public body" means~~

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

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~~political subdivisions that:~~

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

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

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

~~—— [(iv)] (D) is vested with the authority to make decisions regarding the public's
business[.]; or~~

~~—— (ii) a public committee;~~

~~—— (b) "Public body" does not include a:~~

~~—— (i) political party, political group, or political caucus;~~

~~—— (ii) conference committee, rules committee, or sifting committee of the Legislature; or~~

~~—— (iii) school community council established under Section 53A-1a-108;~~

~~—— (9) "Public committee" means a committee, commission, task force, or other body,
other than a body described in Subsection (8)(a)(i), that:~~

~~—— (a) consists of two or more individuals, at least one of whom:~~

~~—— (i) is an elected official of the state or a political subdivision of the state; and~~

~~—— (ii) is designated as a member of and serves on the committee, commission, task force,
or other body by virtue of that elected position;~~

~~—— (b) is created under the authority of:~~

~~—— (i) statute;~~

~~—— (ii) executive order;~~

~~—— (iii) local ordinance, resolution, or other official declaration; or~~

~~—— (iv) agreement between governmental entities; and~~

~~—— (c) is vested with authority to advise or make decisions regarding any part of the
public's business;~~

~~—— [(9)] (10) "Public statement" means a statement made in the ordinary course of
business of the public body with the intent that all other members of the public body receive it.~~

~~—— [(10)] (11) (a) "Quorum" means a simple majority of the membership of a public body,
unless otherwise defined by applicable law:~~

~~—— (b) "Quorum" does not include a meeting of two elected officials by themselves when
no action, either formal or informal, is taken on a subject over which these elected officials
have advisory power.~~

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~~[(11)] (12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.~~

~~[(12)] (13) "Transmit" means to send, convey, or communicate an electronic message by electronic means.~~

~~Section 3. Section 52-4-202 is amended to read:~~

‡ **52-4-202. Public notice of meetings -- Emergency meetings.**

(1) A public body shall give not less than 24 hours public notice of each meeting including the meeting:

- (a) agenda;
- (b) date;
- (c) time; and
- (d) place.

(2) (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.

(b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.

(3) (a) Public notice shall be satisfied by:

(i) posting written notice:

(A) at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; and

(B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the Utah Public Notice Website created under Section 63F-1-701; and

(ii) providing notice to:

(A) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or

(B) a local media correspondent.

(b) A public body of a municipality under Title 10, Utah Municipal Code, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged, but not required, to post written notice on the Utah Public Notice Website, if the municipality

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or district has a current annual budget of less than \$1 million.

(c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions of Subsection 63F-1-701(4)(d).

(d) In addition to any other notice required under this section, a public body whose membership includes a legislator, [appointed to the public body by the President of the Senate or Speaker of the House of Representatives](#), shall cause the notice required in Subsection (1) to be posted on the Legislature's website.

(4) A public body is encouraged to develop and use additional electronic means to provide notice of its meetings under Subsection (3).

(5) (a) The notice requirement of Subsection (1) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the public body gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a public body may not be held unless:

(i) an attempt has been made to notify all the members of the public body; and

(ii) a majority of the members of the public body approve the meeting.

(6) (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.

(c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:

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

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

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Legislative Review Note

~~as of 1-24-14 10:00 AM~~

~~Office of Legislative Research and General Counsel~~