

PUBLIC MEETINGS AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill modifies provisions of the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

▸ requires specified bodies that include in their membership one or more elected state or local officials to provide public notice of meetings the body holds on the capitol hill complex, and makes related changes; and

▸ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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 **52-4-103** is amended to read:

52-4-103. Definitions.



28 As used in this chapter:

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

30 (a) an electronic meeting originates; or

31 (b) the participants are connected.

32 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
33 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
34 City.

35 [~~2~~] (3) "Convening" means the calling [~~of a meeting~~] together of a public body by a
36 person authorized to do so for the express purpose of discussing or acting upon a subject over
37 which that public body has jurisdiction or advisory power.

38 [~~3~~] (4) "Electronic meeting" means a public meeting convened or conducted by
39 means of a conference using electronic communications.

40 [~~4~~] (5) "Electronic message" means a communication transmitted electronically,
41 including:

42 (a) electronic mail;

43 (b) instant messaging;

44 (c) electronic chat;

45 (d) text messaging as defined in Section [76-4-401](#); or

46 (e) any other method that conveys a message or facilitates communication
47 electronically.

48 [~~5~~] (6) (a) "Meeting" means the convening of a public body or a specified body, with
49 a quorum present, including a workshop or an executive session, whether [~~the meeting is held~~]
50 in person or by means of electronic communications, for the purpose of discussing, receiving
51 comments from the public about, or acting upon a matter over which the public body or
52 specific body has jurisdiction or advisory power.

53 (b) "Meeting" does not mean:

54 (i) a chance [~~meeting; (ii) a~~] gathering or social [meeting;] gathering; or

55 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
56 accordance with Section [59-1-405](#).

57 [~~iii~~] (c) "Meeting" does not mean the convening of a public body that has both
58 legislative and executive responsibilities [~~where~~] if:

59 (i) no public funds are appropriated for expenditure during the time the public body is
60 convened; and[:]

61 ~~[(A)]~~ (ii) the public body is convened solely for the discussion or implementation of
62 administrative or operational matters;

63 (A) for which no formal action by the public body is required; or

64 ~~[(B) the public body is convened solely for the discussion or implementation of
65 administrative or operational matters]~~

66 (B) that would not come before the public body for discussion or action[; or].

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

69 ~~[(6)]~~ (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of
70 the public statements of each member of the public body who is participating in a meeting.

71 ~~[(7)]~~ (8) "Participate" means the ability to communicate with all of the members of a
72 public body, either verbally or electronically, so that each member of the public body can hear
73 or observe the communication.

74 ~~[(8)]~~ (9) (a) "Public body" means any administrative, advisory, executive, or legislative
75 body of the state or its political subdivisions that:

76 (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

77 (ii) consists of two or more persons;

78 (iii) expends, disburses, or is supported in whole or in part by tax revenue; and

79 (iv) is vested with the authority to make decisions regarding the public's business.

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

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

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

83 (iii) school community council established under Section 53A-1a-108.

84 ~~[(9)]~~ (10) "Public statement" means a statement made in the ordinary course of
85 business of the public body with the intent that all other members of the public body receive it.

86 ~~[(10)]~~ (11) (a) "Quorum" means a simple majority of the membership of a public body,
87 unless otherwise defined by applicable law.

88 (b) "Quorum" does not include a meeting of two elected officials by themselves when
89 no action, either formal or informal, is taken on a subject over which these elected officials

90 have advisory power.

91 ~~[(11)]~~ (12) "Recording" means an audio, or an audio and video, record of the
92 proceedings of a meeting that can be used to review the proceedings of the meeting.

93 (13) "Specified body" means an administrative, advisory, executive, or legislative body
94 that:

95 (a) is not a public body;

96 (b) consists of three or more members; and

97 (c) includes at least one member who is ~~§~~ → **[an elected official of the state or of a political**

98 **subdivision of the state] :**

98a **(i) a legislator; and**

98b **(ii) officially appointed to the body by the President of the Senate, Speaker of the House**

98c **of Representatives, or governor ← ~~§~~ .**

99 ~~[(12)]~~ (14) "Transmit" means to send, convey, or communicate an electronic message
100 by electronic means.

101 Section 2. Section **52-4-202** is amended to read:

102 **52-4-202. Public notice of meetings -- Emergency meetings.**

103 (1) (a) (i) A public body shall give not less than 24 ~~[hours]~~ hours' public notice of each
104 meeting ~~[including the meeting:]~~.

105 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
106 that the specified body holds on the capitol hill complex.

107 (b) The public notice required under Subsection (1)(a) shall include the meeting:

108 ~~[(a)]~~ (i) agenda;

109 ~~[(b)]~~ (ii) date;

110 ~~[(c)]~~ (iii) time; and

111 ~~[(d)]~~ (iv) place.

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

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

117 ~~[(3)(a) Public notice shall be satisfied by:]~~

118 (3) (a) A public body or specified body satisfies a requirement for public notice by:

119 (i) posting written notice:

120 (A) at the principal office of the public body or specified body, or if no principal office

121 exists, at the building where the meeting is to be held; and

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

124 (ii) providing notice to:

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

127 (B) a local media correspondent.

128 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
129 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
130 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
131 but not required, to post written notice on the Utah Public Notice Website, if the municipality
132 or district has a current annual budget of less than \$1 million.

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

136 (4) A public body [~~is~~] and a specified body are encouraged to develop and use
137 additional electronic means to provide notice of [~~its~~] their meetings under Subsection (3).

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

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

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

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

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

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

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

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

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

150 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
151 member of the public body, a topic raised by the public may be discussed during an open

152 meeting, even if the topic raised by the public was not included in the agenda or advance public
153 notice for the meeting.

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

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

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

Legislative Review Note
as of 1-6-14 3:30 PM

Office of Legislative Research and General Counsel