

Senator Aaron Osmond proposes the following substitute bill:

LOCAL GOVERNING BODY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rich Cunningham

Senate Sponsor: Aaron Osmond

LONG TITLE

General Description:

This bill enacts language related to a municipal or county governing body or local school board.

Highlighted Provisions:

This bill:

- ▶ with certain exceptions, prohibits a municipal or county governing body or local school board from expelling a member of the body from an open public meeting or prohibiting the member from attending; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-3-106, as enacted by Laws of Utah 2011, Chapter 107

ENACTS:

17-53-206.5, Utah Code Annotated 1953



26 REPEALS AND REENACTS:

27 **10-3-607**, as enacted by Laws of Utah 1977, Chapter 48



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

30 Section 1. Section **10-3-607** is repealed and reenacted to read:

31 **10-3-607. Expulsion of members prohibited -- Exception for disorderly conduct.**

32 (1) Except as provided in Subsection (2), the governing body may not expel a member
33 of the governing body from an open public meeting or prohibit the member from attending an
34 open public meeting.

35 (2) ~~§~~ ~~Following~~ Except as provided in Subsection (3), following ~~←~~§ a two-thirds vote
35a of the members of the governing body, the governing
36 body may fine or expel a member of the governing body for:

- 37 (a) disorderly conduct at the open public meeting;
- 38 (b) a member's direct or indirect financial conflict of interest regarding an issue
39 discussed at or action proposed to be taken at the open public meeting; or
- 40 (c) a commission of a crime during the open public meeting.

40a **§** (3) A governing body may adopt rules or ordinances that expand the reasons or
40b establish more restrictive procedures for the expulsion of a member from a public meeting. ←§

41 Section 2. Section **17-53-206.5** is enacted to read:

42 **17-53-206.5. Expulsion of members prohibited -- Exception for disorderly**
43 **conduct.**

44 (1) Except as provided in Subsection (2), the governing body may not expel a member
45 of the governing body from an open public meeting or prohibit the member from attending an
46 open public meeting.

47 (2) ~~§~~ ~~Following~~ Except as provided in Subsection (3), following ~~←~~§ a two-thirds vote
47a of the members of the governing body, the governing
48 body may fine or expel a member of the governing body for:

- 49 (a) disorderly conduct at the open public meeting;
- 50 (b) a member's direct or indirect financial conflict of interest regarding an issue
51 discussed at or action proposed to be taken at the open public meeting; or
- 52 (c) a commission of a crime during the open public meeting.

52a **§** (3) A governing body may adopt rules or ordinances that expand the reasons or
52b establish more restrictive procedures for the expulsion of a member from a public meeting. ←§

53 Section 3. Section **53A-3-106** is amended to read:

54 **53A-3-106. Public meetings -- Rules of order and procedure --Expulsion of**
55 **members prohibited -- Exceptions.**

56 (1) As used in this section, "rules of order and procedure" means a set of rules that

57 govern and prescribe in a public meeting:

58 (a) parliamentary order and procedure;

59 (b) ethical behavior; and

60 (c) civil discourse.

61 (2) Subject to Subsection (3), a local school board shall:

62 (a) adopt rules of order and procedure to govern a public meeting of the local school
63 board;

64 (b) conduct a public meeting in accordance with the rules of order and procedure
65 described in Subsection (2)(a); and

66 (c) make the rules of order and procedure described in Subsection (2)(a) available to
67 the public:

68 (i) at each public meeting of the local school board; and

69 (ii) on the local school board's public website, if available.

70 (3) ~~[Subjection]~~ Subsection (2)(a) does not affect a local school board's duty to comply
71 with Title 52, Chapter 4, Open and Public Meetings Act.

72 (4) (a) Except as provided in Subsection (4)(b), a local school board may not expel a
73 member of the school board from an open public meeting or prohibit the member from
74 attending an open public meeting.

75 (b) ~~Ŝ→ [Following]~~ Except as provided in Subsection (4)(c), following ~~←Ŝ~~ a two-thirds
75a vote of the members of the local school board, the local

76 school board may fine or expel a member of the local school board for:

77 (i) disorderly conduct at the open public meeting;

78 (ii) a member's direct or indirect financial conflict of interest regarding an issue
79 discussed at or action proposed to be taken at the open public meeting; or

80 (iii) a commission of a crime during the open public meeting.

80a Ŝ→ (c) A local school board may adopt rules or ordinances that expand the reasons or
80b establish more restrictive procedures for the expulsion of a member from a public meeting. ←Ŝ