

## HB0045S02 compared with HB0045S01

~~{deleted text}~~ shows text that was in HB0045S01 but was deleted in HB0045S02.

inserted text shows text that was not in HB0045S01 but was inserted into HB0045S02.

**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 Rich Cunningham}~~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 }

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#### LONG TITLE

##### General Description:

This bill enacts language related to a municipal ~~{and}~~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

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### 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

### REPEALS AND REENACTS:

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

### ~~{ENACTS:~~

~~———— 17-53-206.5, Utah Code Annotated 1953~~

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

Section 1. Section 10-3-607 is ~~{amended}~~ repealed and reenacted to read:

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

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

(2) ~~{ The governing body of each municipality may fine or expel from an open public meeting any member of the governing body for disorderly conduct on}~~ Following a two-thirds vote of the members of the governing body, the governing body may fine or expel a member of the governing body for:

(a) disorderly conduct at the open public meeting;

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

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

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

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

(1) Except as provided in Subsection (2), the governing body may not expel a member of the governing body from an open ~~{,}~~ public meeting or prohibit the member from attending

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an open ~~and~~ public meeting.

(2) ~~{The governing body of each county may fine or expel from an open, public meeting any member of the governing body for disorderly conduct on}~~ ~~Following~~ a two-thirds vote of the members of the governing body, the governing body may fine or expel a member of the governing body for:

(a) disorderly conduct at the open public meeting;

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

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

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

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

(1) As used in this section, "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

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

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

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

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

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

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

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

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

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(b) Following a two-thirds vote of the members of the local school board, the local school board may fine or expel a member of the local school board for:

(i) disorderly conduct at the open public meeting;

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

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