

Senator John D. Johnson proposes the following substitute bill:

OPEN AND PUBLIC MEETING MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

This bill modifies the Open and Public Meetings Act relating to open meeting requirements.

Highlighted Provisions:

This bill:

- ▶ requires a public body holding an open meeting to allow a reasonable opportunity for the public to provide verbal comment at the meeting, with exceptions;
- ▶ requires a public body to adopt a resolution, rule, or ordinance allowing public comment in a public meeting; and
- ▶ modifies a provision relating to electronic meetings.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-201, as last amended by Laws of Utah 2006, Chapter 263 and renumbered and amended by Laws of Utah 2006, Chapter 14



26 [52-4-207](#), as last amended by Laws of Utah 2021, Chapter 242



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

29 Section 1. Section **52-4-201** is amended to read:

30 **52-4-201. Meetings open to the public -- Exceptions.**

31 (1) A meeting is open to the public unless closed under Sections [52-4-204](#), [52-4-205](#),
32 and [52-4-206](#).

33 (2) (a) A meeting that is open to the public includes a workshop or an executive
34 session of a public body in which a quorum is present, unless closed in accordance with this
35 chapter.

36 (b) A workshop or an executive session of a public body in which a quorum is present
37 that is held on the same day as a regularly scheduled public meeting of the public body may
38 only be held at the location where the public body is holding the regularly scheduled public
39 meeting unless:

40 (i) the workshop or executive session is held at the location where the public body
41 holds its regularly scheduled public meetings but, for that day, the regularly scheduled public
42 meeting is being held at different location;

43 (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in
44 accordance with this chapter, public notice is given;

45 (iii) the workshop or executive session is an electronic meeting conducted according to
46 the requirements of Section [52-4-207](#); or

47 (iv) it is not practicable to conduct the workshop or executive session at the regular
48 location of the public body's open meetings due to an emergency or extraordinary
49 circumstances.

50 (3) (a) (i) A public body holding a meeting that is open to the public shall allow a
51 reasonable opportunity for the public to provide verbal comment during the meeting.

52 (ii) Subsection (3)(a)(i) does not apply to:

53 (A) a meeting that is a work session of the public body; or

54 (B) a planning commission meeting under Title 10, Chapter 9a, Part 3, General Land
55 Use Provisions, or Title 17, Chapter 27a, Part 3, General Land Use Provisions.

56 (b) No later than July 1, 2022, a public body shall adopt a resolution, rule, or ordinance

57 that provides a reasonable opportunity for the public to provide verbal and written comments in
 58 a meeting of the public body:

59 (i) that is open to the public; and

60 (ii) to which Subsection (3)(a) applies.

61 (c) Notwithstanding Subsections (3)(a) and (b), legislative rules govern public
 62 comment at a public meeting of the Legislature or of a legislative committee.

63 Section 2. Section **52-4-207** is amended to read:

64 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

65 (1) Except as otherwise provided for a charter school in Section **52-4-209**, a public
 66 body may convene and conduct an electronic meeting in accordance with this section.

67 (2) (a) A public body may not hold an electronic meeting unless the public body has
 68 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

69 (b) The resolution, rule, or ordinance may:

70 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
 71 considerations;

72 (ii) require a quorum of the public body to:

73 (A) be present at a single anchor location for the meeting; and

74 (B) vote to approve establishment of an electronic meeting in order to include other
 75 members of the public body through an electronic connection;

76 (iii) require a request for an electronic meeting to be made by a member of a public
 77 body up to three days prior to the meeting to allow for arrangements to be made for the
 78 electronic meeting;

79 (iv) restrict the number of separate connections for members of the public body that are
 80 allowed for an electronic meeting based on available equipment capability; or

81 (v) establish other procedures, limitations, or conditions governing electronic meetings
 82 not in conflict with this section.

83 ~~[(3) A public body that convenes or conducts an electronic meeting shall:]~~

84 ~~[(a) give public notice of the meeting:]~~

85 ~~[(i) in accordance with Section **52-4-202**; and]~~

86 ~~[(ii) except for an electronic meeting under Subsection (5)(a), post written notice at the~~
 87 ~~anchor location; and]~~

88 ~~[(b) in addition to giving public notice required by Subsection (3)(a), provide:]~~
89 ~~[(i) notice of the electronic meeting to the members of the public body at least 24 hours~~
90 ~~before the meeting so that they may participate in and be counted as present for all purposes,~~
91 ~~including the determination that a quorum is present; and]~~
92 ~~[(ii) a description of how the members will be connected to the electronic meeting.]~~
93 (3) A public body that convenes and conducts an electronic meeting shall:
94 (a) give public notice of the electronic meeting in accordance with Section [52-4-202](#);
95 (b) except for an electronic meeting described in Subsection (5), post written notice of
96 the electronic meeting at the anchor location; and
97 (c) except as otherwise provided in a rule of the Legislature applicable to the public
98 body, at least 24 hours before the electronic meeting is scheduled to begin, provide each
99 member of the public body a description of how to electronically connect to the meeting.
100 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts
101 an electronic meeting shall provide space and facilities at an anchor location for members of
102 the public to attend the open portions of the meeting.
103 (b) A public body that convenes and conducts an electronic meeting may provide
104 means by which members of the public who are not physically present at the anchor location
105 may attend the meeting remotely by electronic means.
106 (5) Subsection (4)(a) does not apply to an electronic meeting if:
107 (a) (i) the chair of the public body determines that:
108 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk
109 to the health or safety of those present or who would otherwise be present at the anchor
110 location; or
111 (B) the location where the public body would normally meet has been ordered closed
112 to the public for health or safety reasons; and
113 (ii) the public notice for the meeting includes:
114 (A) a statement describing the chair's determination under Subsection (5)(a)(i);
115 (B) a summary of the facts upon which the chair's determination is based; and
116 (C) information on how a member of the public may attend the meeting remotely by
117 electronic means; or
118 (b) (i) during the course of the electronic meeting, the chair:

119 (A) determines that continuing to conduct the electronic meeting as provided in
120 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the
121 anchor location; and

122 (B) announces during the electronic meeting the chair's determination under Subsection
123 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

124 (ii) in convening the electronic meeting, the public body has provided means by which
125 members of the public who are not physically present at the anchor location may attend the
126 electronic meeting remotely by electronic means.

127 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which
128 the chair of the public body makes the determination.

129 (7) Compliance with the provisions of this section by a public body constitutes full and
130 complete compliance by the public body with the corresponding provisions of Sections
131 [52-4-201](#) and [52-4-202](#).