

HB0135S03 compared with HB0135S02

~~{deleted text}~~ shows text that was in HB0135S02 but was deleted in HB0135S03.

inserted text shows text that was not in HB0135S02 but was inserted into HB0135S03.

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~~{Representative Brady Brammer}~~Senator John D. Johnson proposes the following substitute bill:

OPEN AND PUBLIC MEETING ~~{COMMENT~~ ~~REQUIREMENTS}~~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; ~~{and}~~
- ▶ requires a public body to adopt a resolution, rule, or ordinance allowing public comment in a public meeting ~~{,}~~ and

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► 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

52-4-207, as last amended by Laws of Utah 2021, Chapter 242

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

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

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

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

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

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

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

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

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

(iv) it is not practicable to conduct the workshop or executive session at the regular

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location of the public body's open meetings due to an emergency or extraordinary circumstances.

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

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

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

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

(b) No later than July 1, 2022, a public body shall adopt a resolution, rule, or ordinance that provides a reasonable opportunity for the public to provide verbal and written comments in a meeting of the public body:

(i) that is open to the public; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[~~(b) in addition to giving public notice required by Subsection (3)(a), provide:~~]

[~~(i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and]~~

[~~(ii) a description of how the members will be connected to the electronic meeting;]~~

(3) A public body that convenes and conducts an electronic meeting shall:

(a) give public notice of the electronic meeting in accordance with Section 52-4-202;

(b) except for an electronic meeting described in Subsection (5), post written notice of the electronic meeting at the anchor location; and

(c) except as otherwise provided in a rule of the Legislature applicable to the public body, at least 24 hours before the electronic meeting is scheduled to begin, provide each member of the public body a description of how to electronically connect to the meeting.

(4) (a) Except as provided in Subsection (5), a public body that convenes and conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.

(b) A public body that convenes and conducts an electronic meeting may provide means by which members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means.

(5) Subsection (4)(a) does not apply to an electronic meeting if:

(a) (i) the chair of the public body determines that:

(A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor

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location; or

(B) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and

(ii) the public notice for the meeting includes:

(A) a statement describing the chair's determination under Subsection (5)(a)(i);

(B) a summary of the facts upon which the chair's determination is based; and

(C) information on how a member of the public may attend the meeting remotely by electronic means; or

(b) (i) during the course of the electronic meeting, the chair:

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

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

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

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

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