

1                   **OPEN AND PUBLIC MEETINGS ACT AMENDMENTS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Joel K. Briscoe**

5                           Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **Committee Note:**

9           The Government Operations Interim Committee recommended this bill.

10           Legislative Vote: 10 voting for 0 voting against 4 absent

11 **General Description:**

12           This bill modifies the Open and Public Meetings Act relating to public comment  
13 requirements.

14 **Highlighted Provisions:**

15           This bill:

16           ▶ requires a public body holding an open meeting to allow a reasonable opportunity  
17 for the public to provide verbal comment at the meeting, with certain exceptions;

18 and

19           ▶ requires a public body to adopt a resolution, rule, or ordinance allowing public  
20 comment in a public meeting.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **52-4-201**, as last amended by Laws of Utah 2006, Chapter 263 and renumbered and



28 amended by Laws of Utah 2006, Chapter 14



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

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

32 **52-4-201. Meetings open to the public -- Exceptions.**

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

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

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

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

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

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

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

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

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

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

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

58 (b) No later than July 1, 2023, a public body shall adopt a resolution, rule, or ordinance

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

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

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

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