

1 **LOCAL GOVERNING BODY AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rich Cunningham**

5 Senate Sponsor: Aaron Osmond

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53A-3-106**, as enacted by Laws of Utah 2011, Chapter 107

24 ENACTS:

25 **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

28
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 Section 10-3-607 is repealed and reenacted to read: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) Except as provided in Subsection (3), following a two-thirds vote of the members
36 of the governing body, the governing body may fine or expel a member of the governing body
37 for:

38 (a) disorderly conduct at the open public meeting;

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

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

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

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

45 **17-53-206.5. Expulsion of members prohibited -- Exception for disorderly**
46 **conduct.**

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

50 (2) Except as provided in Subsection (3), following a two-thirds vote of the members
51 of the governing body, the governing body may fine or expel a member of the governing body
52 for:

53 (a) disorderly conduct at the open public meeting;

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

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

57 (3) A governing body may adopt rules or ordinances that expand the reasons or

58 establish more restrictive procedures for the expulsion of a member from a public meeting.

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

60 **53A-3-106. Public meetings -- Rules of order and procedure -- Expulsion of**
61 **members prohibited -- Exceptions.**

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

64 (a) parliamentary order and procedure;

65 (b) ethical behavior; and

66 (c) civil discourse.

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

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

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

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

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

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

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

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

81 (b) Except as provided in Subsection (4)(c), following a two-thirds vote of the
82 members of the local school board, the local school board may fine or expel a member of the
83 local school board for:

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

85 (ii) a member's direct or indirect financial conflict of interest regarding an issue

86 discussed at or action proposed to be taken at the open public meeting; or
87 (iii) a commission of a crime during the open public meeting.
88 (c) A local school board may adopt rules or ordinances that expand the reasons or
89 establish more restrictive procedures for the expulsion of a member from a public meeting.