

1 INTERLOCAL ENTITIES AMENDMENTS

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Deidre M. Henderson

5 House Sponsor: Steve Eliason

7 LONG TITLE

8 General Description:

9 This bill amends the definition of a public body under the Open and Public Meetings
10 Act.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ amends the definition of a public body under the Open and Public Meetings Act to
14 exclude a taxed interlocal entity; and
15 ▶ makes technical and conforming changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

22 **52-4-103**, as last amended by Laws of Utah 2017, Chapters 196, 277, and 441

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

25 Section 1. Section **52-4-103** is amended to read:

26 **52-4-103. Definitions.**

27 As used in this chapter:

28 (1) "Anchor location" means the physical location from which:

29 (a) an electronic meeting originates; or

30 (b) the participants are connected.

31 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
32 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
33 City.

34 (3) "Convening" means the calling together of a public body by a person authorized to
35 do so for the express purpose of discussing or acting upon a subject over which that public
36 body has jurisdiction or advisory power.

37 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
38 conference using electronic communications.

39 (5) "Electronic message" means a communication transmitted electronically, including:

40 (a) electronic mail;

41 (b) instant messaging;

42 (c) electronic chat;

43 (d) text messaging, as that term is defined in Section [76-4-401](#); or

44 (e) any other method that conveys a message or facilitates communication
45 electronically.

46 (6) (a) "Meeting" means the convening of a public body or a specified body, with a
47 quorum present, including a workshop or an executive session, whether in person or by means
48 of electronic communications, for the purpose of discussing, receiving comments from the
49 public about, or acting upon a matter over which the public body or specific body has
50 jurisdiction or advisory power.

51 (b) "Meeting" does not mean:

52 (i) a chance gathering or social gathering; or

53 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
54 accordance with Section [59-1-405](#).

55 (c) "Meeting" does not mean the convening of a public body that has both legislative
56 and executive responsibilities if:

57 (i) no public funds are appropriated for expenditure during the time the public body is

58 convened; and

59 (ii) the public body is convened solely for the discussion or implementation of
60 administrative or operational matters:

61 (A) for which no formal action by the public body is required; or

62 (B) that would not come before the public body for discussion or action.

63 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
64 public statements of each member of the public body who is participating in a meeting.

65 (8) "Participate" means the ability to communicate with all of the members of a public
66 body, either verbally or electronically, so that each member of the public body can hear or
67 observe the communication.

68 (9) (a) "Public body" means:

69 (i) any administrative, advisory, executive, or legislative body of the state or its
70 political subdivisions that:

71 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

72 (B) consists of two or more persons;

73 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

74 (D) is vested with the authority to make decisions regarding the public's business; or

75 (ii) any administrative, advisory, executive, or policymaking body of an association, as
76 that term is defined in Section [~~53A-1-1601~~] [53G-7-1101](#), that:

77 (A) consists of two or more persons;

78 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
79 school or whose employees participate in a benefit or program described in Title 49, Utah State
80 Retirement and Insurance Benefit Act; and

81 (C) is vested with authority to make decisions regarding the participation of a public
82 school or student in an interscholastic activity, as that term is defined in Section [~~53A-1-1601~~]
83 [53G-7-1101](#).

84 (b) "Public body" includes:

85 (i) [~~as defined in Section 11-13-103;~~] an interlocal entity or joint or cooperative

86 undertaking, as those terms are defined in Section 11-13-103; and

87 (ii) [~~as defined in Section 11-13a-102;~~] a governmental nonprofit corporation as that
88 term is defined in Section 11-13a-102.

89 (c) "Public body" does not include:

90 (i) a political party, a political group, or a political caucus;

91 (ii) a conference committee, a rules committee, or a sifting committee of the
92 Legislature;

93 (iii) a school community council or charter trust land council, as that term is defined in
94 Section [53A-1a-108.1; or] 53G-7-1203;

95 (iv) the Economic Development Legislative Liaison Committee created in Section
96 36-30-201[-]; or

97 (v) a taxed interlocal entity, as that term is defined in Section 11-13-602.

98 (10) "Public statement" means a statement made in the ordinary course of business of
99 the public body with the intent that all other members of the public body receive it.

100 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
101 otherwise defined by applicable law.

102 (b) "Quorum" does not include a meeting of two elected officials by themselves when
103 no action, either formal or informal, is taken on a subject over which these elected officials
104 have advisory power.

105 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
106 meeting that can be used to review the proceedings of the meeting.

107 (13) "Specified body":

108 (a) means an administrative, advisory, executive, or legislative body that:

109 (i) is not a public body;

110 (ii) consists of three or more members; and

111 (iii) includes at least one member who is:

112 (A) a legislator; and

113 (B) officially appointed to the body by the president of the Senate, speaker of the

114 House of Representatives, or governor; and

115 (b) does not include a body listed in Subsection (9)(c)(ii).

116 (14) "Transmit" means to send, convey, or communicate an electronic message by

117 electronic means.