

QUORUM REQUIREMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends the definition of a quorum for purposes of the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

- ▶ amends the definition of a quorum for purposes of the Open and Public Meetings Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-103, as amended by Statewide Initiative -- Proposition 4, Nov. 6, 2018

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

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

52-4-103. Definitions.

As used in this chapter:

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

(a) an electronic meeting originates; or

(b) the participants are connected.

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

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

36 (b) "Convening" does not include the initiation of a routine conversation between
37 members of a board of trustees of a large public transit district if the members involved in the
38 conversation do not, during the conversation, take a tentative or final vote on the matter that is
39 the subject of the conversation.

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

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

43 (a) electronic mail;

44 (b) instant messaging;

45 (c) electronic chat;

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

47 (e) any other method that conveys a message or facilitates communication
48 electronically.

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

54 (b) "Meeting" does not mean:

55 (i) a chance gathering or social gathering;

56 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
57 accordance with Section [59-1-405](#); or

58 (iii) a convening of a three-member board of trustees of a large public transit district as
59 defined in Section 17B-2a-802 if:

60 (A) the board members do not, during the conversation, take a tentative or final vote on
61 the matter that is the subject of the conversation; or

62 (B) the conversation pertains only to day-to-day management and operation of the
63 public transit district.

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

66 (i) no public funds are appropriated for expenditure during the time the public body is
67 convened; and

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

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

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

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

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

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

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

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

81 (B) consists of two or more persons;

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

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

84 (ii) any administrative, advisory, executive, or policymaking body of an association, as
85 that term is defined in Section 53G-7-1101, that:

86 (A) consists of two or more persons;

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

90 (C) is vested with authority to make decisions regarding the participation of a public
91 school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.

92 (b) "Public body" includes:

93 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in
94 Section 11-13-103;

95 (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;

96 and

97 (iii) the Utah Independent Redistricting Commission.

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

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

100 (ii) a conference committee, a rules committee, or a sifting committee of the
101 Legislature;

102 (iii) a school community council or charter trust land council, as that term is defined in
103 Section 53G-7-1203;

104 (iv) the Economic Development Legislative Liaison Committee created in Section
105 36-30-201;

106 (v) a taxed interlocal entity, as that term is defined in Section 11-13-602; or

107 (vi) the following Legislative Management subcommittees, which are established in
108 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to
109 recommend for employment, except that the meeting in which a subcommittee votes to
110 recommend that a candidate be employed shall be subject to the provisions of this act:

111 (A) the Research and General Counsel Subcommittee;

112 (B) the Budget Subcommittee; and

113 (C) the Audit Subcommittee.

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

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

118 (b) "Quorum" does not include a meeting of two elected officials by themselves when
119 no action, either formal or informal, is taken [~~on a subject over which these elected officials~~
120 ~~have advisory power~~].

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

123 (13) "Specified body":

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

125 (i) is not a public body;

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

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

128 (A) a legislator; and

129 (B) officially appointed to the body by the president of the Senate, speaker of the
130 House of Representatives, or governor; and

131 (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(vi).

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