Representative Stephen G. Handy proposes the following substitute bill:

OPEN MEETINGS AMENDMENTS
2019 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Stephen G. Handy
Senate Sponsor: Todd Weiler

LONG TITLE
General Description:
This bill modifies a provision relating to open and public meetings.

Highlighted Provisions:
This bill:
- modifies the purposes for which a closed meeting may be held to include the purpose of discussing a protected audit report that requires the public body's signed response.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
AMENDS:

52-4-205, as last amended by Laws of Utah 2014, Chapter 196

Be it enacted by the Legislature of the state of Utah:
Section 1. Section 52-4-205 is amended to read:
52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed
meetings.

(1) A closed meeting described under Section 52-4-204 may only be held for:

(a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions to discuss collective bargaining;

(c) strategy sessions to discuss pending or reasonably imminent litigation;

(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:

   (i) disclose the appraisal or estimated value of the property under consideration; or

   (ii) prevent the public body from completing the transaction on the best possible terms;

   (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:

      (i) public discussion of the transaction would:

         (A) disclose the appraisal or estimated value of the property under consideration; or

         (B) prevent the public body from completing the transaction on the best possible terms;

         (ii) the public body previously gave public notice that the property would be offered for sale; and

         (iii) the terms of the sale are publicly disclosed before the public body approves the sale;

      (f) discussion regarding deployment of security personnel, devices, or systems;

      (g) investigative proceedings regarding allegations of criminal misconduct;

      (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;

      (i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);

      (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;

      (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;

      (l) as relates to the Utah Higher Education Assistance Authority and its appointed
board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102;

(m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:

(i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;

(ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or

(iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;

(n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary in order to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;

(o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:

(i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and

(ii) the public body needs to review or discuss the information in order to properly fulfill its role and responsibilities in the procurement process; [or]

(p) a purpose for which a meeting is required to be closed under Subsection (2); or

(q) the purpose of discussing a confidential draft of an audit report, concerning a matter over which the public body has responsibility, that:

(i) is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) requires a response signed by the public body.

(2) The following meetings shall be closed:

(a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4);
(b) a meeting of the Child Welfare Legislative Oversight Panel to:
(i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the
responses to the report described in Subsections 62A-16-301(2) and (4); or
(ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5);
and
(c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose
of advising the Natural Resource Conservation Service of the United States Department of
Agriculture on a farm improvement project if the discussed information is protected
information under federal law.

(3) In a closed meeting, a public body may not:
(a) interview a person applying to fill an elected position;
(b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;
or
(c) discuss the character, professional competence, or physical or mental health of the
person whose name was submitted for consideration to fill a midterm vacancy or temporary
absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and
Temporary Absence in Elected Office.