

ANNUAL UTAH OPEN AND PUBLIC MEETINGS ACT TRAINING

Utah State Tax Commission
2023 Update
Revised 25 July 2023

Noteworthy 2023 Changes

- SB43: Creates public notice classifications and specifies related notice provision requirements. Exempts proposed actions affecting the entire state.
- SB169: Moves "text messaging" definition from the criminal code to OPMA

OPMA In a nutshell

- A quorum of a public body gathered to discuss or act upon a subject over which it has jurisdiction or advisory power must do so in a public meeting for which proper notice, including a reasonably specific agenda, is given and an audio recording is made
- Following the public meeting, the public body must make the audio recording and a set of pending minutes available for public review
- A public body may close its meeting to discuss, but not act upon, statutorily specified topics
- Some public bodies are required to close meetings for specific purposes

Utah Code § 52-4-210

Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

2023 Changes Applicable to USTC

- SB136: Requires disclosure of closed meeting records to the Office of Legislative Auditor General upon request. Exempts disclosures to OLAG from penalties for violations of tax code confidentiality statutes.

Other 2023 Changes

- HB21: Requires local school boards to adopt written policies permitting public comment at public meetings and permits local district and special service district public bodies to convene electronic meetings
- HB77: Replaces the term "local district" with "special district"
- HB201: Corrects a spelling error in the definition of "meeting"
- SB194: Changes "Utah Higher Education Authority" to "Utah Higher Education Savings Board of Trustees"
- SB207: Adjusts statutory references resulting from Health and Human Services recodification bills
- SB245: Includes the consideration of a loan application among the reasons for which a meeting of a public body may be closed, if public discussion of the loan application would disclose certain nonpublic information
- SB289: Includes a discussion of the board of the Point of the Mountain State Land Authority regarding a potential tenant of the point of the mountain among the reasons for which a meeting of a public body may be closed