



Bill Number: S.B. 1243

Kavanagh Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Specifies that official business for the purposes of an open call to the public does not include the adoption of the agenda.**
- 2. Makes technical changes.**

KAVANAGH FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1243
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 38-431.01, Arizona Revised Statutes, is amended
3 to read:

4 38-431.01. Meetings shall be open to the public; seating;
5 minutes; recordings

6 A. All meetings of any public body shall be public meetings and all
7 persons so desiring shall be allowed to attend and listen to the
8 deliberations and proceedings. All legal action of public bodies shall
9 occur during a public meeting.

10 B. Schools, school boards, executive boards and municipalities
11 shall provide for an amount of seating sufficient to accommodate the
12 reasonably anticipated attendance of all persons desiring to attend the
13 deliberations and proceedings, when feasible. This ~~section~~ SUBSECTION
14 does not require a public body to relocate a meeting outside of the
15 largest regular meeting room.

16 C. All public bodies shall provide for the taking of written
17 minutes or a recording of all their meetings, including executive
18 sessions. For meetings other than executive sessions, the minutes or
19 recording shall include:

20 1. The date, time and place of the meeting.

21 2. The members of the public body recorded as either present or
22 absent.

23 3. A general description of the matters considered.

24 4. An accurate description of all legal actions proposed, discussed
25 or taken, including a record of how each member voted. The minutes shall
26 also include the names of the members who propose each motion and the
27 names of the persons, as given, who make statements or present material to
28 the public body and a reference to the legal action about which they made
29 statements or presented material.

1 D. Minutes of executive sessions shall include items set forth in
2 subsection C, paragraphs 1, 2 and 3 of this section, an accurate
3 description of all instructions given pursuant to section 38-431.03,
4 subsection A, paragraphs 4, 5 and 7 and other matters as may be deemed
5 appropriate by the public body.

6 E. The minutes or a recording of a meeting shall be available for
7 public inspection three working days after the meeting except as otherwise
8 specifically provided by this article.

9 F. A public body of a city or town with a population of more than
10 two thousand five hundred persons shall:

11 1. Within three working days after a meeting, except for
12 subcommittees and advisory committees, post on its website, if applicable,
13 either:

14 (a) A statement describing the legal actions taken by the public
15 body of the city or town during the meeting.

16 (b) Any recording of the meeting.

17 2. Within two working days following approval of the minutes, post
18 approved minutes of city or town council meetings on its website, if
19 applicable, except as otherwise specifically provided by this article.

20 3. Within ten working days after a subcommittee or advisory
21 committee meeting, post on its website, if applicable, either:

22 (a) A statement describing legal action, if any.

23 (b) A recording of the meeting.

24 G. All or any part of a public meeting of a public body may be
25 recorded by any person in attendance by means of a tape recorder or camera
26 or any other means of sonic reproduction, provided that there is no active
27 interference with the conduct of the meeting.

28 H. The secretary of state for state public bodies, the city or town
29 clerk for municipal public bodies and the county clerk for all other local
30 public bodies shall conspicuously post open meeting law materials prepared
31 and approved by the attorney general on their website. A person elected
32 or appointed to a public body shall review the open meeting law materials
33 at least one day before the day that person takes office.

34 I. A public body may make an open call to the public during a
35 public meeting, subject to reasonable time, place and manner restrictions,
36 to allow individuals to address the public body on any issue within the
37 jurisdiction of the public body. IF A PUBLIC BODY MAKES AN OPEN CALL TO
38 THE PUBLIC PURSUANT TO THIS SUBSECTION, THE OPEN CALL MUST BE MADE AT THE
39 BEGINNING OF THE MEETING AND BEFORE THE PUBLIC BODY CONDUCTS ANY OFFICIAL
40 BUSINESS. IF AN OPEN CALL TO THE PUBLIC AT THE BEGINNING OF THE MEETING
41 EXCEEDS THIRTY MINUTES, THE PUBLIC BODY MAY CHOOSE TO CONTINUE THE
42 REMAINDER OF THE OPEN CALL AT A LATER TIME DURING THE MEETING. IF A
43 PUBLIC BODY REQUIRES INDIVIDUALS TO SUBMIT A REQUEST TO SPEAK BEFORE
44 ADDRESSING THE PUBLIC BODY DURING AN OPEN CALL TO THE PUBLIC, THE PUBLIC
45 BODY SHALL ALLOW INDIVIDUALS TO SUBMIT REQUESTS TO SPEAK UNTIL THE OPEN
46 CALL TO THE PUBLIC HAS CONCLUDED. IF A PUBLIC BODY POSTS A MEETING AGENDA
47 THAT ONLY INCLUDES AN OPEN CALL TO THE PUBLIC, THAT MEETING MAY NOT BE

1 SCHEDULED BEFORE OR AFTER ANOTHER MEETING OF THE SAME PUBLIC BODY. At the
2 conclusion of an open call to the public, individual members of the public
3 body may respond to criticism made by those who have addressed the public
4 body, may ask staff to review a matter or may ask that a matter be put on
5 a future agenda. However, members of the public body shall not discuss or
6 take legal action on matters raised during an open call to the public
7 unless the matters are properly noticed for discussion and legal action.
8 THIS SUBSECTION DOES NOT RESTRICT A PUBLIC BODY FROM MAKING ANY ADDITIONAL
9 OPEN CALLS TO THE PUBLIC AT OTHER TIMES THROUGHOUT THE MEETING. FOR THE
10 PURPOSES OF THIS SUBSECTION, OFFICIAL BUSINESS DOES NOT INCLUDE A PRAYER,
11 A PLEDGE[,] ~~[OR]~~ THE RECOGNITION OF A PERSON OR ORGANIZATION [OR THE
12 ADOPTION OF THE AGENDA].

13 J. A member of a public body shall not knowingly direct any staff
14 member to communicate in violation of this article.

15 K. Any posting required by subsection F of this section must remain
16 on the applicable website for at least one year after the date of the
17 posting.

18 Enroll and engross to conform

19 Amend title to conform

JOHN KAVANAGH

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C: AH