

House Engrossed
open meetings; digital recordings

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2412

AN ACT

AMENDING SECTION 38-431.01, ARIZONA REVISED STATUTES; RELATING TO PUBLIC MEETINGS AND PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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; audio or
5 audiovisual recordings; posting

6 A. All meetings of any public body shall be public meetings and all
7 persons so desiring shall be ~~permitted~~ 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. All public bodies shall provide for the taking of written
11 minutes ~~or a~~ AND SHALL PROVIDE FOR AN AUDIO OR AUDIOVISUAL recording of
12 all their meetings. ~~, including~~ ALL PUBLIC BODIES SHALL PROVIDE FOR THE
13 TAKING OF WRITTEN MINUTES OR A RECORDING OF executive sessions. For
14 meetings other than executive sessions, the minutes ~~or~~ AND AUDIO OR
15 AUDIOVISUAL recording shall include:

- 16 1. The date, time and place of the meeting.
17 2. The members of the public body recorded as either present or
18 absent.

19 3. A general description of the matters considered.

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

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

31 D. EACH PUBLIC BODY SHALL POST ON ITS WEBSITE: ~~the minutes or a~~

32 1. THE AUDIO OR AUDIOVISUAL recording of a meeting, ~~shall be~~
33 ~~available~~ OR A DIRECT LINK OF THE AUDIO OR AUDIOVISUAL RECORDING, for
34 public inspection ~~three~~ NOT LATER THAN THREE working days after the
35 meeting. ~~except as otherwise specifically provided by this article.~~

36 2. THE MINUTES FOR PUBLIC INSPECTION NOT LATER THAN THREE DAYS
37 FOLLOWING APPROVAL OF THE MINUTES.

38 ~~E. A public body of a city or town with a population of more than~~
39 ~~two thousand five hundred persons shall:~~

40 ~~1. Within three working days after a meeting, except for~~
41 ~~subcommittees and advisory committees, post on its website, if applicable,~~
42 ~~either:~~

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

45 ~~(b) Any recording of the meeting.~~

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

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

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

7 ~~(b) A recording of the meeting.~~

8 E. AN ENTITY THAT IS FORMED PURSUANT TO TITLE 48 FOR THE PURPOSE OF
9 PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR CROPS SHALL
10 PROVIDE FOR THE TAKING OF WRITTEN MINUTES AND MAY PROVIDE FOR AN AUDIO OR
11 AUDIOVISUAL RECORDING OF MEETINGS PURSUANT TO SUBSECTION B OF THIS
12 SECTION. AN ENTITY PROVIDING FOR THE TAKING OF WRITTEN MINUTES SHALL MAKE
13 THE MINUTES AVAILABLE FOR PUBLIC INSPECTION NOT LATER THAN THREE WORKING
14 DAYS FOLLOWING APPROVAL OF THE MINUTES AND MAY POST THE MINUTES ON ITS
15 WEBSITE, IF APPLICABLE. AN ENTITY DESCRIBED IN THIS SUBSECTION IS EXEMPT
16 FROM SUBSECTION D OF THIS SECTION.

17 F. All or any part of a public meeting of a public body may be
18 recorded by any person in attendance by means of a tape recorder or camera
19 or any other means of sonic reproduction, provided that there is no active
20 interference with the conduct of the meeting.

21 G. The secretary of state for state public bodies, the city or town
22 clerk for municipal public bodies and the county clerk for all other local
23 public bodies shall conspicuously post open meeting law materials prepared
24 and approved by the attorney general on their website. A person elected
25 or appointed to a public body shall review the open meeting law materials
26 at least one day before the day that person takes office.

27 H. A public body may make an open call to the public during a
28 public meeting, subject to reasonable time, place and manner restrictions,
29 to allow individuals to address the public body on any issue within the
30 jurisdiction of the public body. At the conclusion of an open call to the
31 public, individual members of the public body may respond to criticism
32 made by those who have addressed the public body, may ask staff to review
33 a matter or may ask that a matter be put on a future agenda. However,
34 members of the public body shall not discuss or take legal action on
35 matters raised during an open call to the public unless the matters are
36 properly noticed for discussion and legal action.

37 I. A member of a public body shall not knowingly direct any staff
38 member to communicate in violation of this article.

39 J. Any posting required by ~~subsection E of~~ this section must remain
40 on the applicable website for at least ~~one year~~ **THREE YEARS** after the date
41 of the posting.