

REFERENCE TITLE: open meetings; digital recordings

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

HB 2412

Introduced by
Representatives Parker: Carroll, Martinez

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; digital
5 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 A DIGITAL recording of all their
12 meetings, including executive sessions. For meetings other than executive
13 sessions, the minutes ~~or~~ AND recording shall include:

- 14 1. The date, time and place of the meeting.
- 15 2. The members of the public body recorded as either present or
16 absent.
- 17 3. A general description of the matters considered.

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

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

29 D. EACH PUBLIC BODY SHALL POST ON ITS WEBSITE the minutes ~~or a~~ AND
30 THE DIGITAL recording of a meeting ~~shall be available~~ for public
31 inspection ~~three~~ NOT LATER THAN FIVE working days after the meeting.
32 ~~except as otherwise specifically provided by this article.~~

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

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

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

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

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

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

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

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

5 ~~f.~~ E. All or any part of a public meeting of a public body may be
6 recorded by any person in attendance by means of a tape recorder or camera
7 or any other means of sonic reproduction, provided that there is no active
8 interference with the conduct of the meeting.

9 ~~g.~~ F. The secretary of state for state public bodies, the city or
10 town clerk for municipal public bodies and the county clerk for all other
11 local public bodies shall conspicuously post open meeting law materials
12 prepared and approved by the attorney general on their website. A person
13 elected or appointed to a public body shall review the open meeting law
14 materials at least one day before the day that person takes office.

15 ~~h.~~ G. A public body may make an open call to the public during a
16 public meeting, subject to reasonable time, place and manner restrictions,
17 to allow individuals to address the public body on any issue within the
18 jurisdiction of the public body. At the conclusion of an open call to the
19 public, individual members of the public body may respond to criticism
20 made by those who have addressed the public body, may ask staff to review
21 a matter or may ask that a matter be put on a future agenda. However,
22 members of the public body shall not discuss or take legal action on
23 matters raised during an open call to the public unless the matters are
24 properly noticed for discussion and legal action.

25 ~~i.~~ H. A member of a public body shall not knowingly direct any
26 staff member to communicate in violation of this article.

27 ~~j.~~ I. Any posting required by ~~subsection E of~~ this section must
28 remain on the applicable website for at least ~~one year~~ THREE YEARS after
29 the date of the posting.