

REFERENCE TITLE: public meetings; comments; members

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1731

Introduced by
Senator Mesnard

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; 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.

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

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

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

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

18 I. A public body may make an open call to the public during a
19 public meeting, subject to reasonable time, place and manner restrictions,
20 to allow individuals to address the public body on any issue within the
21 jurisdiction of the public body. **MEMBERS OF THE PUBLIC BODY MAY DISCUSS**
22 **MATTERS RAISED DURING AN OPEN CALL TO THE PUBLIC.** At the conclusion of an
23 open call to the public, individual members of the public body may respond
24 to criticism made by those who have addressed the public body, may ask
25 staff to review a matter or may ask that a matter be put on a future
26 agenda. However, members of the public body shall not ~~discuss or~~ take
27 legal action on matters raised during an open call to the public unless
28 the matters are properly noticed for ~~discussion and~~ legal action.

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

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