

State of Arizona
House of Representatives
Forty-fourth Legislature
Second Regular Session
2000

HOUSE BILL 2003

AN ACT

AMENDING SECTION 38-431.02, ARIZONA REVISED STATUTES; RELATING TO PUBLIC MEETINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 38-431.02, Arizona Revised Statutes, is amended to
3 read:
4 38-431.02. Notice of meetings
5 A. Public notice of all meetings of public bodies shall be given as
6 follows:
7 1. The public bodies of the state shall file a statement with the
8 secretary of state stating where all public notices of their meetings will be
9 posted and shall give such additional public notice as is reasonable and
10 practicable as to all meetings.
11 2. The public bodies of the counties, school districts and other
12 special districts shall file a statement with the clerk of the board of
13 supervisors stating where all public notices of their meetings will be posted
14 and shall give such additional public notice as is reasonable and practicable
15 as to all meetings.
16 3. The public bodies of the cities and towns shall file a statement
17 with the city clerk or mayor's office stating where all public notices of
18 their meetings will be posted and shall give such additional public notice as
19 is reasonable and practicable as to all meetings.
20 4. IF THE PUBLIC BODY HAS ESTABLISHED A FUNCTIONING WEB SITE, THE
21 NOTICE MAY ALSO BE POSTED ON THE WEB SITE AND THE PUBLIC BODY SHALL INCLUDE
22 THE WEB SITE'S ADDRESS IN THE STATEMENTS FILED PURSUANT TO PARAGRAPHS 1, 2
23 AND 3. IF THE FILING OFFICE HAS ESTABLISHED A FUNCTIONING WEB SITE, THE
24 FILING OFFICE SHALL MAINTAIN A LISTING OF THE PUBLIC NOTICE LOCATIONS ON THE
25 WEB SITE. THE SECRETARY OF STATE SHALL MAINTAIN A WEB SITE MASTER LIST FOR
26 PUBLIC ACCESS TO ALL PUBLIC NOTICE LISTS INCLUDING WEB SITE ADDRESSES,
27 STATEMENTS AND AVAILABLE MEETING NOTICES PROVIDED PURSUANT TO PARAGRAPHS 1, 2
28 AND 3.
29 B. If an executive session will be held, the notice shall be given to
30 the members of the public body, and to the general public, stating the
31 specific provision of law authorizing the executive session.
32 C. Except as provided in subsections D and E, meetings shall not be
33 held without at least twenty-four hours' notice to the members of the public
34 body and to the general public.
35 D. In case of an actual emergency, a meeting, including an executive
36 session, may be held upon such notice as is appropriate to the circumstances.
37 If this ~~provision~~ SUBSECTION is utilized for conduct of an emergency session
38 or the consideration of an emergency measure at a previously scheduled
39 meeting the public body must post a public notice within twenty-four hours
40 declaring that an emergency session has been held and setting forth the
41 information required in subsections H and I.
42 E. A meeting may be recessed and resumed with less than twenty-four
43 hours' notice if public notice of the initial session of the meeting is given
44 as required in subsection A, and if, prior to recessing, notice is publicly

1 given as to the time and place of the resumption of the meeting or the method
2 by which notice shall be publicly given.

3 F. A public body which intends to meet for a specified calendar
4 period, on a regular day, date or event during such calendar period, and at a
5 regular place and time, may post public notice of such meetings at the
6 beginning of such period. Such notice shall specify the period for which
7 notice is applicable.

8 G. Notice required under this section shall include an agenda of the
9 matters to be discussed or decided at the meeting or information on how the
10 public may obtain a copy of such an agenda. The agenda must be available to
11 the public at least twenty-four hours prior to the meeting, except in the
12 case of an actual emergency under subsection D.

13 H. Agendas required under this section shall list the specific matters
14 to be discussed, considered or decided at the meeting. The public body may
15 discuss, consider or make decisions only on matters listed on the agenda and
16 other matters related thereto.

17 I. Notwithstanding the other provisions of this section, notice of
18 executive sessions shall be required to include only a general description of
19 the matters to be considered. Such agenda shall not contain information that
20 would defeat the purpose of the executive session.

21 J. Notwithstanding the provisions of subsections H and I, in the case
22 of an actual emergency a matter may be discussed and considered and, at
23 public meetings, decided, where the matter was not listed on the agenda
24 provided that a statement setting forth the reasons necessitating such
25 discussion, consideration or decision is placed in the minutes of the
26 meeting, and **IS PUBLICLY ANNOUNCED** at the public meeting, ~~is publicly~~
27 **announced**. In the case of an executive session, the reason for consideration
28 of the emergency measure shall be announced publicly immediately prior to the
29 executive session.