

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; definition

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. UNTIL DECEMBER 31, 2001, IF THE PUBLIC BODY HAS ESTABLISHED AN
21 ACTIVE AND FUNCTIONING WEB SITE, THE NOTICE MAY ALSO BE POSTED ON THE WEB
22 SITE AND THE PUBLIC BODY SHALL INCLUDE THE WEB SITE'S ADDRESS IN THE
23 STATEMENTS FILED PURSUANT TO PARAGRAPHS 1, 2 AND 3. BEGINNING JANUARY 1,
24 2002, IF THE PUBLIC BODY HAS ESTABLISHED A FUNCTIONING WEB SITE, THE NOTICE
25 SHALL ALSO BE POSTED ON THE WEB SITE AND THE PUBLIC BODY SHALL INCLUDE THE
26 WEB SITE'S ADDRESS IN THE STATEMENTS FILED PURSUANT TO PARAGRAPHS 1, 2 AND 3.

27 5. IF THE CLERK OF THE BOARD OF SUPERVISORS, CITY CLERK OR MAYOR'S
28 OFFICE HAS ESTABLISHED AN ACTIVE AND FUNCTIONING WEB SITE, THE CLERK OF THE
29 BOARD OF SUPERVISORS, CITY CLERK OR MAYOR'S OFFICE SHALL MAINTAIN A LISTING
30 OF THE PUBLIC NOTICE LOCATIONS ON THE WEB SITE AND SHALL PROVIDE THE
31 SECRETARY OF STATE WITH THE WEB SITE ADDRESS. THE SECRETARY OF STATE SHALL
32 MAINTAIN A WEB SITE MASTER LIST FOR PUBLIC ACCESS TO ALL PUBLIC NOTICE LISTS
33 INCLUDING WEB SITE ADDRESSES, STATEMENTS AND AVAILABLE MEETING NOTICES
34 PROVIDED PURSUANT TO PARAGRAPHS 1, 2 AND 3.

35 6. IF THE PUBLIC BODY HAS ESTABLISHED AN ACTIVE AND FUNCTIONING WEB
36 SITE, THE NOTICE SHALL BE POSTED ON A WEB SITE THAT POSTS THE LEGAL NOTICES
37 OF TEN OR MORE NEWSPAPERS, AS DEFINED IN SECTION 39-201.

38 7. FAILURE TO COMPLY WITH PARAGRAPHS 5 OR 6 OF THIS SUBSECTION DOES
39 NOT INVALIDATE THE ACTION OF A PUBLIC BODY.

40 B. If an executive session will be held, the notice shall be given to
41 the members of the public body, and to the general public, stating the
42 specific provision of law authorizing the executive session.

43 C. Except as provided in subsections D and E, meetings shall not be
44 held without at least twenty-four hours' notice to the members of the public
45 body and to the general public.

1 D. In case of an actual emergency, a meeting, including an executive
2 session, may be held upon such notice as is appropriate to the circumstances.
3 If this ~~provision~~ SUBSECTION is utilized for conduct of an emergency session
4 or the consideration of an emergency measure at a previously scheduled
5 meeting the public body must post a public notice within twenty-four hours
6 declaring that an emergency session has been held and setting forth the
7 information required in subsections H and I.

8 E. A meeting may be recessed and resumed with less than twenty-four
9 hours' notice if public notice of the initial session of the meeting is given
10 as required in subsection A, and if, prior to recessing, notice is publicly
11 given as to the time and place of the resumption of the meeting or the method
12 by which notice shall be publicly given.

13 F. A public body which intends to meet for a specified calendar
14 period, on a regular day, date or event during such calendar period, and at a
15 regular place and time, may post public notice of such meetings at the
16 beginning of such period. Such notice shall specify the period for which
17 notice is applicable.

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

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

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

31 J. Notwithstanding the provisions of subsections H and I, in the case
32 of an actual emergency a matter may be discussed and considered and, at
33 public meetings, decided, where the matter was not listed on the agenda
34 provided that a statement setting forth the reasons necessitating such
35 discussion, consideration or decision is placed in the minutes of the
36 meeting, and IS PUBLICLY ANNOUNCED at the public meeting, ~~is publicly~~
37 ~~announced~~. In the case of an executive session, the reason for consideration
38 of the emergency measure shall be announced publicly immediately prior to the
39 executive session.

40 K. FOR PURPOSES OF THIS SECTION, "ACTIVE AND FUNCTIONING WEB SITE"
41 MEANS A WEB SITE THAT RECEIVES NEW CONTENT FROM THE PUBLIC BODY ON AT LEAST A
42 MONTHLY BASIS.