

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 131

HOUSE BILL 2807

AN ACT

AMENDING SECTION 38-431, 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, Arizona Revised Statutes, is amended to
3 read:

4 38-431. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Advisory committee" or "subcommittee" means any entity, however
7 designated, that is officially established, on motion and order of a public
8 body or by the presiding officer of the public body, and whose members have
9 been appointed for the specific purpose of making a recommendation concerning
10 a decision to be made or considered or a course of conduct to be taken or
11 considered by the public body.

12 2. "Executive session" means a gathering of a quorum of members of a
13 public body from which the public is excluded for one or more of the reasons
14 prescribed in section 38-431.03. In addition to the members of the public
15 body, officers, appointees and employees as provided in section 38-431.03 and
16 the auditor general as provided in section 41-1279.04, only individuals whose
17 presence is reasonably necessary in order for the public body to carry out
18 its executive session responsibilities may attend the executive session.

19 3. "Legal action" means a collective decision, commitment or promise
20 made by a public body pursuant to the constitution, the public body's
21 charter, bylaws or specified scope of appointment and the laws of this state.

22 4. "Meeting" means the gathering, in person or through technological
23 devices, of a quorum of members of a public body at which they discuss,
24 propose or take legal action, including any deliberations by a quorum with
25 respect to such action.

26 5. "Political subdivision" means all political subdivisions of this
27 state, including without limitation all counties, cities and towns, school
28 districts and special districts.

29 6. "Public body" means the legislature, all boards and commissions of
30 this state or political subdivisions, all multimember governing bodies of
31 departments, agencies, institutions and instrumentalities of ~~the~~ THIS state
32 or political subdivisions, including without limitation all corporations and
33 other instrumentalities whose boards of directors are appointed or elected by
34 ~~the~~ THIS state or political subdivision. Public body includes all
35 quasi-judicial bodies and all standing, special or advisory committees or
36 subcommittees of, or appointed by, the public body. PUBLIC BODY INCLUDES ALL
37 COMMISSIONS AND OTHER PUBLIC ENTITIES ESTABLISHED BY THE ARIZONA CONSTITUTION
38 OR BY WAY OF BALLOT INITIATIVE, INCLUDING THE INDEPENDENT REDISTRICTING
39 COMMISSION, AND THIS ARTICLE APPLIES EXCEPT AND ONLY TO THE EXTENT THAT
40 SPECIFIC CONSTITUTIONAL PROVISIONS SUPERSEDE THIS ARTICLE.

41 7. "Quasi-judicial body" means a public body, other than a court of
42 law, possessing the power to hold hearings on disputed matters between a
43 private person and a public agency and to make decisions in the general
44 manner of a court regarding such disputed claims.

1 Sec. 2. Legislative intent; clarifying language

2 It is the intent of the legislature by this act to clarify that the
3 independent redistricting commission, a constitutionally created public body,
4 was and is subject to the open meeting statutes contained in title 38,
5 chapter 3, article 3.1, Arizona Revised Statutes, except for those limited
6 instances in which the more specific provision in the Arizona Constitution
7 applies.

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.

Passed the House March 1, 20 12

Passed the Senate March 26, 20 12

by the following vote: 38 Ayes,

by the following vote: 20 Ayes,

17 Nays, 4 Not Voting
1 vacant

8 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

27 day of March, 20 12

at 11:10 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 29th day of

March

at 10:13 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of March, 20 12

at 4:58 o'clock P M.

[Signature]
Secretary of State

H.B. 2807