

1 **LEGISLATIVE HIRING PRACTICES AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne L. Niederhauser**

5 House Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill modifies the Open and Public Meetings Act and the Government Records
9 Access and Management Act in relation to the employment recommendation process
10 for Legislative Management subcommittees.
11

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that ~~§~~→ **certain** ←~~§~~ meetings of the following subcommittees of the
14a Legislative
15 Management Committee are not subject to the provisions of the Open and Public
16 Meetings Act when they are meeting in relation to making an employment
17 recommendation to the Legislature:

- 18 • the Research and General Counsel Subcommittee;
- 19 • the Budget Subcommittee; and
- 20 • the Audit Subcommittee; and

21 ▶ classifies certain records relating to subcommittee employment recommendations of
22 the Legislature as protected records.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



90 school or student in an interscholastic activity as defined in Section [53A-1-1601](#).

91 (b) "Public body" includes:

92 (i) as defined in Section [11-13-103](#), an interlocal entity or joint or cooperative
93 undertaking; and

94 (ii) as defined in Section [11-13a-102](#), a governmental nonprofit corporation.

95 (c) "Public body" does not include:

96 (i) a political party, a political group, or a political caucus;

97 (ii) a conference committee, a rules committee, or a sifting committee of the

98 Legislature;

99 (iii) a school community council or charter trust land council as defined in Section

100 [53A-1a-108.1](#); [~~or~~]

101 (iv) the Economic Development Legislative Liaison Committee created in Section

102 [36-30-201](#)[-]; or

103 (v) the following Legislative Management subcommittees, which are established in

104 Section [36-12-8](#), when meeting for the purpose of selecting or evaluating a candidate to

105 recommend for employment ~~§~~ , except that the meeting in which a subcommittee votes to

105a recommend that a candidate be employed shall be subject to the provisions of this act ~~§~~ :

106 (A) the Research and General Counsel Subcommittee;

107 (B) the Budget Subcommittee; and

108 (C) the Audit Subcommittee.

109 (10) "Public statement" means a statement made in the ordinary course of business of
110 the public body with the intent that all other members of the public body receive it.

111 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
112 otherwise defined by applicable law.

113 (b) "Quorum" does not include a meeting of two elected officials by themselves when
114 no action, either formal or informal, is taken on a subject over which these elected officials
115 have advisory power.

116 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
117 meeting that can be used to review the proceedings of the meeting.

118 (13) "Specified body":

119 (a) means an administrative, advisory, executive, or legislative body that:

120 (i) is not a public body;