

SJR005S02 compared with SJR005S01

~~text~~ shows text that was in SJR005S01 but was deleted in SJR005S02.

text shows text that was not in SJR005S01 but was inserted into SJR005S02.

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~~Senator David G. Buxton~~Representative Timothy D. Hawkes proposes the following substitute bill:

JOINT RULES RESOLUTION ~~{}~~ ELECTRONIC MEETINGS

MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David G. Buxton

House Sponsor: ~~{}~~Timothy D. Hawkes

LONG TITLE

General Description:

This rules resolution modifies joint legislative rules related to electronic meetings.

Highlighted Provisions:

This resolution:

- ▶ defines terms;
- ▶ ~~provides that~~allows a legislative public body ~~shall~~to convene and conduct ~~each meeting held in a legislative area of capitol hill as~~ an electronic meeting;
- ▶ specifies the circumstances under which a member of a legislative public body may participate remotely in an electronic meeting;

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- ▶ addresses the requisite appearance and conduct of a member who participates remotely in an electronic meeting; and
- ▶ makes technical and conforming changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR1-4-401

JR7-1-101

REPEALS AND REENACTS:

JR1-4-402

REPEALS:

JR1-4-403

JR7-1-407

Be it resolved by the Legislature of the state of Utah:

Section 1. **JR1-4-401** is amended to read:

JR1-4-401. Definitions.

As used in this part:

(1) "Anchor location" means the same as that term is defined in Utah Code Section 52-4-103.

~~{ (2) "Chair" means the same as that term is defined in JR7-1-101.~~

~~{ (2) (3) "Electronic meeting" means the same as that term is defined in Utah Code Section 52-4-103.~~

~~[(3) "Public health emergency" means the same as that term is defined in Utah Code Section 26-23b-102.]~~

(3) "Emergency electronic meeting" means an electronic meeting described in Utah Code Subsection 52-4-207(5).

(4) "Legislative public body" means a public body as defined in Utah Code Section 52-4-103 that is governed by legislative rules.

(5) "Meeting" means the same as that term is defined in Utah Code Section 52-4-103.

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~~{ (6) "Off site meeting" means a meeting of a legislative public body that is not an on site meeting.~~

~~— (7) "On site meeting" means a meeting of a legislative public body that takes place in a legislative area on capitol hill, as that area is described in Utah Code Section 36-5-1.~~

‡ ~~{8}6~~ "Participate" means the same as that term is defined in Utah Code Section 52-4-103.

~~{9}7~~ (a) "Presiding officer" means the individual presiding over the Senate or the House of Representatives.

(b) "Presiding officer" includes:

(i) for the Senate:

(A) the president;

(B) the president pro tempore; and

(C) any senator presiding under SR1-3-103; and

(ii) for the House of Representatives:

(A) the speaker;

(B) the speaker pro tempore; and

(C) any representative presiding under HR1-3-103.

~~{10}a}8~~ "Specified reason" means ~~{ a circumstance that:~~

~~— (i) prevents a member of a legislative public body from attending in person a meeting of the legislative public body; or~~

~~— (ii) makes it advisable that a member of a legislative public body refrain from attending in person a meeting of the legislative public body.~~

~~— (b) "Specified reason" may include, but is not limited to:~~

~~— (i):~~

~~(a) illness or injury of {the}a member or a member's relative { of the member};~~

~~{ii}b~~ health or safety concerns of ~~{the}a member or a member's relative { of the member};~~

~~{iii}c~~ emergency travel ~~{ or a travel};~~

~~(d) an emergency work related issue;~~

~~{iv}e~~ an emergency child care related issue; ~~{ and}~~

~~{v}f~~ a mandatory action day or a special circumstance day as those terms are defined

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in Utah Code Section 63A-17-111 ~~f~~; or

(g) a circumstance similar to the circumstances described in Subsections (8)(a) through (f).

Section 2. JR1-4-402 is repealed and reenacted to read:

JR1-4-402. Meeting format and participation -- Electronic meeting policy.

(1) In accordance with this part and Utah Code Title 52, Chapter 4, Open and Public Meetings Act, a legislative public body ~~f~~

~~(a) shall convene and conduct each on site meeting of the legislative public body as an electronic meeting, unless otherwise directed by the president of the Senate or the speaker of the House of Representatives; and~~

~~(b) } may convene and conduct {an off site} a meeting of the legislative public body as an electronic meeting, subject to budget, public policy, ~~for~~ and logistical considerations.~~

(2) (a) Except as allowed under this rule, a member of a legislative public body who attends a meeting of the legislative public body, including an electronic meeting, shall attend the meeting in person.

(~~2~~) (a) } b) A member of a legislative public body may attend an electronic meeting of the legislative public body by electronic means only if the member:

(i) has a specified reason; and

(ii) obtains permission from:

(A) the presiding officer or the presiding officer's designee; or

(B) the chair or the chair's designee.

(~~b~~) c) A { member of a } legislative public body {is considered present for all purposes, including determining a quorum, only if the member is:

~~(i) present in person at the anchor location; or~~

~~(ii) able to participate in } shall provide a description of how to electronically connect to an electronic meeting:~~

(i) to each member authorized to attend the meeting by electronic means under Subsection (2)(b); and

(ii) (A) 24 hours before the meeting is scheduled to begin; or

(B) if it is impracticable to comply with the 24-hour requirement in Subsection

(1)(c)(ii)(A), as soon as possible before the meeting begins.

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~~(3)~~ The presiding officer or the chair of a legislative public body shall conduct an electronic meeting of the legislative public body ~~in person~~ from the anchor location.

(4) When a legislative public body convenes an electronic meeting, a member of the legislative public body is considered present for all purposes, including determining a quorum, only if the member is:

(a) present in person at the anchor location; or

(b) participating in the meeting by electronic means.

~~(3)~~5 When a member of a legislative public body attends a meeting of the legislative public body by electronic means in accordance with this ~~section~~ part, the member shall ensure that:

(a) if participating via video ~~conferencing~~ conference, the member's attire and appearance are consistent with the attire and appearance that would be expected if the member were attending the meeting in person; and

(b) the member's location:

(i) reflects the dignity of the meeting, particularly if the member is attending via video conference; and

(ii) is free from ~~sights~~ any sight or ~~noises~~ noise that:

(A) can be seen or heard by others during the meeting; and

(B) ~~are~~ is extraneous, distracting, disruptive, or inappropriate.

~~(4)~~6 A member of a legislative public body may not attend a meeting by electronic means while engaging in any activity that would be abnormal or prohibited if the member were attending the meeting in person, including operating a motor vehicle.

~~(5)~~7 In accordance with Utah Code Section 52-4-207, a legislative public body that convenes and conducts an electronic meeting may provide a means by which members of the public who are not physically present at the anchor location may attend the meeting by electronic means.

(8) Notwithstanding the other provisions of this rule:

(a) any member of a legislative public body may attend an emergency electronic meeting by electronic means; and

(b) the presiding officer or the chair of a legislative public body may conduct an emergency electronic meeting of the legislative public body remotely by electronic means.

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Section 3. **JR7-1-101** is amended to read:

JR7-1-101. Definitions.

As used in this chapter:

- (1) "Anchor location" means the physical location from which:
 - (a) an electronic meeting originates; or
 - (b) the participants are connected.
- (2) "Bill" means the same as that term is defined in JR4-1-101.
- (3) "Chair" except as otherwise expressly provided, means:
 - (a) the member of the Senate appointed as chair of an interim committee by the president of the Senate under JR7-1-202;
 - (b) the member of the House of Representatives appointed as chair of an interim committee by the speaker of the House of Representatives under JR7-1-202;
 - (c) a member of a special committee appointed as chair of the special committee; or
 - (d) a member of a legislative committee designated by the chair of the legislative committee under Subsection (3)(a), (b), or (c) to act as chair under JR7-1-202.
- (4) "Committee bill" means draft legislation that receives a favorable recommendation.
- (5) "Committee bill file" means a request for legislation made by:
 - (a) a majority vote of a legislative committee; or
 - (b) the chairs of an interim committee, if the interim committee authorizes the chairs to open one or more committee bill files in accordance with JR7-1-602.
- (6) "Committee note" means a note that the Office of Legislative Research and General Counsel places on legislation in accordance with JR4-2-401.
- (7) "Draft legislation" means a draft of a bill or resolution before it is numbered by the Office of Legislative Research and General Counsel.
- (8) "Electronic meeting" means ~~[a public meeting of a legislative committee that is partially convened or conducted by means of a voice telephone or computer web or video conference]~~ the same as that term is defined in Utah Code Section 52-4-103.
- ~~[(9) "Electronic notice" means electronic mail or fax.]~~
- ~~[(10)]~~ (9) "Favorable recommendation" means an action of a legislative committee by majority vote to favorably recommend legislation.
- ~~[(11)]~~ (10) "Legislative committee" means:

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(a) an interim committee; or

(b) a special committee.

~~[(12)]~~ (11) "Interim committee" means a committee created under JR7-1-201.

~~[(13)]~~ (12) "Legislative sponsor" means:

(a) for a committee bill file, the chairs of the legislative committee that opened the committee bill file or the chairs' designee; or

(b) for a request for legislation that is not a committee bill file, the legislator who requested the request for legislation or the legislator's designee.

~~[(14)]~~ (13) "Majority vote" means:

(a) with respect to an interim committee, an affirmative vote of at least 50% of a quorum of members of the interim committee from one chamber and more than 50% of a quorum of members of the interim committee from the other chamber; or

(b) with respect to a special committee, an affirmative vote of more than 50% of a quorum.

~~[(15)]~~ (14) "Mixed special committee" means a special committee that is composed of one or more members who are legislators and one or more members who are not legislators.

~~[(16) "Monitor" means to:]~~

~~[(a) hear live, by speaker, or by other equipment, all of the public statements of each member of the legislative committee who is participating in a meeting; or]~~

~~[(b) see and hear, by computer screen or other visual medium, all of the public statements of each member of the legislative committee who is participating in a meeting.]~~

~~[(17)]~~ (15) "Original motion" means a nonprivileged motion that is accepted by the chair when no other motion is pending.

~~[(18) "Participate" means the ability to communicate with all of the members of a legislative committee, either verbally or electronically, so that each member of the legislative committee can hear or see the communication:]~~

~~[(19)]~~ (16) "Pending motion" means a motion described in JR7-1-307.

~~[(20)]~~ (17) "Privileged motion" means a motion to adjourn, set a time to adjourn, recess, end debate, extend debate, or limit debate.

~~[(21)]~~ (18) "Public statement" means a statement made in the ordinary course of business of a legislative committee with the intent that all other members of the legislative

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committee receive it.

~~[(22)]~~ (19) "Remote location" means a location other than the anchor location from which a member of a legislative committee may participate in the meeting.

~~[(23)]~~ (20) "Request for legislation" means the same as that term is defined in JR4-1-101.

~~[(24)]~~ (21) "Resolution" means the same as that term is defined in JR4-1-101.

~~[(25)]~~ (22) (a) "Special committee" means a committee, commission, or task force that is:

(i) created by legislation; and

(ii) staffed by:

(A) the Office of Legislative Research and General Counsel; or

(B) the Office of the Legislative Fiscal Analyst.

(b) "Special committee" does not include:

(i) an interim committee;

(ii) a standing committee created under SR3-2-201 or HR3-2-201; or

(iii) a Senate confirmation committee described in SR3-3-101 or SR3-3-201.

~~[(26)]~~ (23) "Subcommittee" means a subsidiary unit of a legislative committee formed in accordance with JR7-1-411.

~~[(27)]~~ (24) "Substitute motion" means a nonprivileged motion that a member of a legislative committee makes when there is a nonprivileged motion pending.

Section 4. Repealer.

This resolution repeals:

JR1-4-403, Requirements of emergency electronic meetings.

JR7-1-407, Electronic meetings for remote participation by a member.