

**JOINT RULES RESOLUTION REGARDING ELECTRONIC
MEETINGS**

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Mike Schultz

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

- ▶ permits the Legislature to conduct electronic legislative sessions and legislative meetings under limited circumstances; and
- ▶ establishes procedures and requirements for electronic meetings pursuant to the requirements of the Open and Public Meetings Act.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR7-1-407

ENACTS:

JR1-4-401

JR1-4-402

JR1-4-403

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

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

Part 4. Emergency Electronic Meetings

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) "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.

Section 2. **JR1-4-402** is enacted to read:

JR1-4-402. Electronic meetings for session or committees during emergencies --**When authorized.**

(1) As authorized by Utah Code, Title 52, Chapter 4, Open and Public Meetings Act, the Legislature may convene and conduct an electronic meeting, where some or all of the members participate via electronic means, as provided in this part.

(2) The president of the Senate and the speaker of the House may jointly convene and conduct an annual general session, a special session called by the governor or the Legislature, or a veto override session, or may authorize a standing committee meeting, an interim committee meeting, a meeting of a special committee, or any other meeting of a committee of the Legislature to be conducted, by electronic means if:

(a) the governor has declared a state of emergency or the chief executive of a local government within which the seat of government is located has declared a local emergency, and the president and speaker jointly determine that physically convening the members of the public body at the seat of government is dangerous, unwise, impractical, or not permitted under the requirements of the declaration;

(b) the president and the speaker jointly determine that physically convening the public body at the seat of government is dangerous, unwise, or impractical due to a public health emergency, natural or human-caused disaster, enemy attack, or other public catastrophe;

(c) a natural or human-caused disaster, enemy attack, or other public catastrophe

prevents 25 percent or more of the members of the public body from traveling to the seat of government; or

(d) the president and the speaker jointly determine that a physical convening, at any location, of the public body's members or staff presents a danger to the health or safety of the participants, is unwise, or is impractical because of a public health emergency, natural or human-caused disaster, enemy attack, or other public catastrophe.

(3) If the president of the Senate and the speaker of the House jointly convene an electronic meeting based on the circumstances described in Subsection (2)(c), only those members who are unable to travel to the seat of government because of the existing emergency shall be permitted to participate by electronic means.

Section 3. **JR1-4-403** is enacted to read:

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

(1) (a) An electronic meeting convened and conducted under this part shall comply with the applicable requirements of Utah Code, Title 52, Chapter 4, Open and Public Meetings Act.

(b) A presiding officer or chair convening or conducting an electronic meeting under this part shall ensure that:

(i) public notice of the meeting, as required by Utah Code Section [52-4-202](#), is given, including posting written notice at the anchor location; and

(ii) notice of the electronic meeting describing how the members will be connected to the electronic meeting is given to each member of the public body:

(A) at least 24 hours before the meeting; or

(B) as soon as is practicable in the case of an emergency meeting, consistent with the requirements of Utah Code Section [52-4-202](#).

(2) The anchor location for an electronic meeting shall be located at:

(a) the seat of government; or

(b) another location publicly and jointly designated by the president of the Senate and speaker of the House of Representatives if a public emergency, natural or human-caused

disaster, enemy attack, or other public catastrophe has made it dangerous, unwise, or impractical to use the seat of government as the anchor location for the electronic meeting.

(3) (a) A presiding officer or chair who is convening or conducting an electronic meeting shall, if necessary, establish and communicate protocols and procedures governing the electronic meeting to ensure order and fair opportunities for all members of the public body to participate.

(b) The Legislature may restrict the number of separate connections that are available for communicating in an electronic meeting based on the circumstances under which the electronic meeting is held, provided that a sufficient number of connections is available to connect each member of the public body who is eligible to participate in the meeting and a sufficient number of staff members required to conduct the meeting.

(4) (a) To the greatest extent practicable, procedures and requirements for an electronic meeting convened and conducted under this part shall be governed by legislative rules.

(b) A member is included when calculating a quorum for each vote if that member is:

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

(ii) participating and able to communicate electronically.

Section 4. **JR7-1-407** is amended to read:

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

(1) A chair may~~[, by following the procedures and requirements of this rule,]~~ convene and conduct an electronic meeting of a legislative committee by following the procedures and requirements of this rule, or Joint Rule Title 1, Part 4, Chapter 4, Emergency Electronic Meetings.

(2) (a) A member of a legislative committee who will be more than 50 miles away from the anchor location on the day and at the time of a scheduled meeting of the legislative committee may request that the chair allow the member to participate from a remote location.

(b) If a member of a legislative committee wishes to participate in a meeting of the legislative committee from a remote location, the member shall, at least three days before the meeting, contact the chair and request that the chair convene and conduct an electronic

meeting.

(c) After receiving the request, the chair shall:

(i) determine whether the member will be more than 50 miles away from the anchor location on the day and at the time of the scheduled meeting;

(ii) if the chair determines that the member will be more than 50 miles away from the anchor location on that day and time, consult with committee staff to determine whether there are sufficient equipment and connections to allow the member to participate from a remote location; and

(iii) obtain permission from the president of the Senate and the speaker of the House of Representatives to conduct an electronic meeting.

(d) If the requirements of Subsection (2)(c) are satisfied, the chair may grant the member's request to participate from a remote location.

(3) A chair convening or conducting an electronic meeting under this rule shall, if necessary, establish and communicate protocols and procedures governing the electronic meeting to ensure order and fair opportunities for all members of the legislative committee to participate.

(4) A chair convening or conducting an electronic meeting under this rule shall ensure that:

(a) public notice of the meeting, as required by Utah Code Section [52-4-202](#), is given including posting written notice at the anchor location; and

(b) notice of the electronic meeting describing how the members will be connected to the electronic meeting is given to each member of the legislative committee at least 24 hours before the meeting.

(5) A member of a legislative committee participating from a remote location is included in calculating a quorum and may vote.