

Title JR1. Joint Rules Governing General Legislative Organization and Process

Chapter 1 Rules of Procedure

JR1-1-101 Sources governing legislative procedure.

Rules of legislative procedure are derived from several sources and take precedence in the following order:

- (1) constitutional provisions, statutory provisions, and case law;
- (2) these legislative rules;
- (3) custom, usage, and practice; and
- (4) Mason's Manual of Legislative Procedure.

JR1-1-102 Adoption of Legislative Rules.

- (1)
 - (a) At the beginning of each legislative session, the Legislature shall adopt Joint Rules and the Interim Rules by a constitutional two-thirds vote of all senators and representatives.
 - (b) Except as provided in Subsection (1)(c), after the initial adoption of Joint and Interim Rules, the Legislature may adopt additional Joint and Interim Rules or amend or repeal existing Joint or Interim Rules by a constitutional majority vote.
 - (c) The Legislature may adopt or amend a Joint or Interim Rule that includes a voting requirement of more than a constitutional majority only by a constitutional two-thirds vote of all senators and representatives.
- (2) The Senate and House Rules Committees shall:
 - (a) meet before each annual general session of the Legislature convenes;
 - (b) review Joint Rules and Interim Rules; and
 - (c) recommend to the Legislature any modifications that they consider necessary.

Chapter 2 Convening and Adjourning the Legislature

Part 1 Convening the Legislature

JR1-2-101 Convening the Legislature -- Process -- Date.

- (1) The Legislature shall convene:
 - (a) on the date set by the Utah Constitution for the beginning of the annual general session; or
 - (b) on the date set by the governor in the proclamation that calls the Legislature into special session.
- (2) The Legislature shall convene by:
 - (a) each house being called to order;
 - (b) having an invocation;
 - (c) reciting the pledge of allegiance;
 - (d) reading the certificates of election and giving the oath of office to legislators, if necessary;

- (e) calling the roll and declaring whether or not a quorum is present;
 - (f) electing a presiding officer, if necessary;
 - (g) appointing standing committees, if necessary;
 - (h) adopting rules;
 - (i) giving and receiving the notifications required in JR1-2-102 and JR1-2-103; and
 - (j) introducing bills.
- (3) Nothing in this rule:
- (a) requires the Senate or House to perform the items in this rule in a particular order; or
 - (b) prohibits the Senate or House from adding or deleting items.
- (4) The daily order of business set forth in SR1-5-103 and HR1-5-103 governs on all legislative days other than the day on which the Legislature convenes.

JR1-2-102 Notification of organization of each house.

Immediately after the organization of the Senate and House of Representatives at the beginning of each session of the Legislature, each house shall appoint a committee composed of three legislators to notify the other house that it is organized and ready to transact business.

JR1-2-103 Joint Committee to notify governor.

Upon a motion of the respective houses, a joint committee consisting of three senators and three representatives shall be appointed to inform the governor personally that:

- (1) both houses of the Legislature have convened and are organized; and
- (2) they are ready to receive any communications from the governor.

Part 2
Adjourning the Legislature

JR1-2-201 Consent of other house required.

- (1) Except as provided in Subsection (2), each house may adjourn from day to day until:
 - (a) the constitutional time limit for an annual general session or special session expires;
 - (b) the Legislature is dissolved because the terms of office of a majority of the members of the legislative body have expired; or
 - (c) the Legislature adjourns sine die.
- (2) As provided in Utah Constitution, Article VI, Section 15, neither house may adjourn for more than three days unless the other house consents by majority vote.

JR1-2-202 Adjournment sine die.

- (1)
 - (a) If the Legislature is meeting until midnight on the last day of any session, the speaker and the president shall, at midnight, announce the time to the members of their respective houses.
 - (b) Each house shall cease its business at midnight.
- (2) Adjournment sine die shall be made after:

- (a) a committee from each house has notified the opposite house that they have completed their work;
- (b) a joint committee has notified the governor that the Legislature has completed its work; and
- (c) the governor has informed the joint committee that he has nothing further to present to the Legislature.

Chapter 3

Record and Distribution of Legislative Action

Part 1

Recording Legislative Action

JR1-3-101 Secretary and chief clerk to keep records of action.

- (1) The secretary of the Senate and the chief clerk of the House, or their designees, shall record on each bill's jacket each action on every bill or resolution taken by the Senate and House of Representatives.
- (2)
 - (a) The Senate secretary or her designee shall ensure that adopted Senate amendments are inserted in the bill on goldenrod paper.
 - (b) The chief clerk of the House or her designee shall ensure that adopted House amendments are inserted in the bill on lilac paper.

JR1-3-102 Senate and House Journals.

- (1) Each house shall:
 - (a) keep a journal of its proceedings;
 - (b) publish the journal daily;
 - (c) ensure that its journal is continuous during the legislative session, with pages numbered in consecutive order;
 - (d) ensure that the vote on final passage of each bill is by yeas and nays and is entered upon the journal;
 - (e) ensure that the vote on any other question is by yeas and nays and is entered upon the journal at the request of five members of that house; and
 - (f) base the journal upon the record of the proceedings taken by the reading or docket clerk and the electronic recording of those proceedings.
- (2) The secretary of the Senate and the chief clerk of the House of Representatives shall provide a final certification of the journal for their respective house.

Part 2

Use of Legislative Seal

JR1-3-201 Authorized use of legislative seal.

- (1) As used in this rule:
 - (a) "Legislative business" means activities performed by a legislator, during the legislator's term of office that are within the course and scope of the work of a legislator.
 - (b) "Legislative business" includes the use of the legislative seal on letterhead, memoranda, facsimile cover sheets, news releases, and other materials.
 - (c) "Legislative seal" means the emblem of the Utah State Senate or Utah House of Representatives designed and adopted by each body to authenticate official communications of the body or its members.
- (2)
 - (a) Each legislator shall ensure that, in using the legislative seal, the reputation and integrity of the legislative institution is preserved.
 - (b) A legislator may use the legislative seal for legislative business on personalized legislative stationary, business cards, and on other documents.
 - (c) The legislative seal may not be used on any political campaign materials.
 - (d) A person may not use the seal for any purpose once the person ceases to be a legislator.
- (3) The Senate and House shall provide to a member, upon request, an electronic or camera-ready copy of the legislative seal.

Chapter 4 Miscellaneous Rules

Part 1 Procurement

JR1-4-101 Request for proposals.

- (1) A legislator, a legislative committee, the House, the Senate, or a staff office may request that the Legislative Management Committee issue a request for proposals to obtain a good or service for the Legislature, a legislative committee, the House, or the Senate.
- (2) A person may not issue, on behalf of the Legislature, a legislative committee, the House, or the Senate, a request for proposals, unless authorized by the Legislative Management Committee.
- (3) Upon approving the issuance of a request for proposals, the Legislative Management Committee:
 - (a) shall assign the drafting of the request for proposals to the Office of Legislative Research and General Counsel;
 - (b) may assign another staff office to work with the Office of Legislative Research and General Counsel in drafting the request for proposals;
 - (c) shall assign a person, committee, group of people, or staff office to review the draft request for proposals and give final approval for the request for proposals to be issued as drafted;
 - (d) may assign a committee, person, group of people, or staff office to review responses to the request for proposals and to make a recommendation regarding award of a contract;
 - (e) shall assign a committee, person, group of people, or staff office to make a final decision regarding whether to award a contract and to whom the contract shall be awarded; and
 - (f) if the request for proposals is for an analysis, report, recommendation, or consultation, may assign a committee, person, group of people, or staff office to:

- (i) review the analysis, report, recommendation, or consultation;
 - (ii) determine whether the contractor fulfilled its obligations in a satisfactory manner; and
 - (iii) authorize payment to the contractor.
- (4) The Office of Legislative Research and General Counsel is responsible for advising and assisting a person or entity described in this rule in relation to the legal requirements of the request for proposals process.
- (5) This rule does not apply to a request for proposals issued by a staff office to obtain a good or service solely for a staff office.

Part 2 Working Meals

JR1-4-201 Working meals -- Reimbursement to staff offices.

- (1) A legislative staff office may purchase a meal for a legislator who is working with the staff on legislative duties through a mealtime subject to the rate limitations provided under JR5-2-102.
- (2) The House, Senate, another legislative staff office, or a legislator, may reimburse a legislative staff office for a meal provided under Subsection (1).

Title JR2. Special Sessions and Veto Override Session

Chapter 1 Special Sessions

JR2-1-101 Annual general session rules apply.

Except as otherwise provided in this chapter, rules adopted by each house of the Legislature during the immediately preceding annual general session apply to the conduct of that house during a special session.

JR2-1-102 Introduction of bills.

Legislation authorized by the governor's special session proclamation may be introduced in either house at any time during a special session of the Legislature.

JR2-1-103 Motion to reconsider.

A motion to reconsider a piece of special session legislation may be made at any time during that special session of the Legislature.

Chapter 2

Veto Override Sessions

Part 1 General Veto Override Procedures

JR2-2-101 Veto override process.

- (1) A bill passed by the Legislature and vetoed by the governor shall be reconsidered first in the house of origin of the bill.
- (2)
 - (a) When a vetoed bill is returned to the House or Senate by the governor, it shall be placed on the third reading calendar.
 - (b) The Legislature may not amend or otherwise modify a vetoed bill or item of appropriation.
- (3) If a constitutional two-thirds of the members elected to the first house vote to pass the bill, it shall be sent to the other house, together with the governor's objections.
- (4) If a constitutional two-thirds of the members elected to the other house approve the bill, the bill becomes law.

Part 2 Veto Override Sessions

JR2-2-201 Poll to convene and calling a veto override session.

- (1)
 - (a) If the Legislature is prevented by adjournment sine die from reconsidering any vetoed bill or item of appropriation vetoed by the governor, the president of the Senate and the speaker of the House shall poll their respective members by mail or other means to determine if the Legislature shall convene to reconsider vetoed legislation.
 - (b) Each member shall respond to the poll in writing, by telephone, or other available means.
- (2)
 - (a) The president and speaker shall notify the governor about the results of the poll.
 - (b) The sponsor of a bill being considered for the veto override shall be provided, upon request, the itemized list of how each legislator responded to the poll.
- (3)
 - (a) If two-thirds of the members of each house are in favor of convening a veto override session, the Legislature shall convene in a veto override session not to exceed five calendar days, at a time agreed upon by the president and speaker.
 - (b) A veto override session, if called, shall be convened prior to 60 days after the adjournment of the session at which the bill or appropriation item under consideration was passed.
- (4)
 - (a) The presiding officers shall issue the call of the veto override session of the Legislature to their members.
 - (b) The call shall contain a list of each bill and appropriation item vetoed by the governor and the date and time for convening the veto override session.
- (5) The Legislature shall consider the vetoed bills and appropriation items according to the process outlined in JR2-2-101.

JR2-2-202 Scope.

The Legislature may consider only bills or appropriation items vetoed by the governor and may not consider any bill or appropriation item that was not vetoed by the governor.

JR2-2-203 Rules governing.

Except as otherwise provided in this chapter, the rules adopted by each house of the Legislature during the immediately preceding annual general session apply to the conduct of that house during a veto override session.

Title JR3. Joint Conventions and Joint Committees

**Chapter 1
Joint Conventions**

JR3-1-101 Process for calling and conducting -- Scope.

- (1)
 - (a) The president of the Senate and the speaker of the House may, by mutual consent, call joint conventions of the two houses and shall include in the call the purpose for which the joint convention is called.
 - (b) Joint conventions shall be held in the chambers of the House of Representatives, with the president of the Senate presiding.
- (2) At the time fixed for the joint convention:
 - (a) the House of Representatives shall prepare to receive the Senate; and
 - (b) the Senate shall proceed to the chamber of the House of Representatives.
- (3) The secretary of the Senate and the chief clerk of the House of Representatives shall:
 - (a) act as secretaries of the joint convention; and
 - (b) enter the proceedings of the convention in the journal of at least one house.
- (4) At a joint convention, members of either house may not engage in the transaction of any business other than that for which they were assembled.

JR3-1-102 Rules governing joint conventions.

- (1) The House Rules govern the proceedings in joint convention except those House Rules that are clearly not applicable.
- (2)
 - (a) Absent House members may be compelled to attend joint conventions under House Rules.
 - (b) Absent Senate members may be compelled to attend joint conventions under Senate Rules.
 - (c) The sergeant-at-arms of each house shall attend joint conventions to compel the attendance of absent members if called upon.
- (3) Joint conventions may adjourn from time to time as necessary.

Chapter 2 Joint Committees

Part 1 General Rules Governing Joint Committees

JR3-2-101 Interim Rules govern.

Committees of the Legislature meeting jointly shall be organized and operate under the Interim Rules, as applicable.

JR3-2-102 Minimum membership.

Each standing, appropriation, and interim committee, meeting jointly, shall have at least two senators and at least two representatives in its membership.

JR3-2-103 Announcing the vote.

(1) After a joint committee votes, the chair shall:

- (a) determine whether the motion passed or failed;
- (b) verbally announce that the motion passed or that the motion failed; and
- (c) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no."

(2) Members dissenting from a committee report may file a minority report or may be listed on the majority report as dissenting.

Part 2 Standing Committees

JR3-2-201 Standing committees.

The chairs of like committees in each house may convene joint committee meetings and hearings on legislative subjects of common interest.

Part 3 Joint Appropriations Committee and Appropriation Subcommittees

JR3-2-301 Joint Appropriations Committee -- Creation.

The Joint Appropriations Committee of the Legislature consists of all the members of the Legislature.

JR3-2-302 Appropriation subcommittees -- Created -- Membership -- Quorum and voting requirements.

- (1) The members of the Joint Appropriations Committee shall be divided into the following subcommittees:
 - (a) Infrastructure and General Government;
 - (b) Business, Economic Development, and Labor;
 - (c) Executive Offices and Criminal Justice;
 - (d) Social Services;
 - (e) Higher Education;
 - (f) Natural Resources, Agriculture, and Environmental Quality;
 - (g) Public Education; and
 - (h) Retirement and Independent Entities.
- (2)
 - (a) Subject to Subsection (3), the president of the Senate and speaker of the House shall appoint their respective members to each subcommittee.
 - (b)
 - (i) The president of the Senate shall designate one senator in each subcommittee as the Senate chair.
 - (ii) The speaker of the House shall designate one representative in each subcommittee as the House chair and one representative in each subcommittee as the House vice chair.
- (3) The Retirement and Independent Entities Subcommittee shall have the same members as the Retirement and Independent Entities Committee created in Utah Code Section 63E-1-201.
- (4)
 - (a) A majority of any appropriations subcommittee is a quorum for the transaction of business.
 - (b) In determining a subcommittee quorum, a majority is at least 50% in one house and more than 50% in the other.
- (5)
 - (a) In all decisions of the subcommittees, a majority vote prevails.
 - (b) A majority vote is at least 50% of the members of one house and more than 50% in the other house in attendance.

Part 4

Executive Appropriations Committee and Appropriation Process -- Session

JR3-2-401 Executive appropriations -- Creation -- Membership -- Quorum and voting requirements.

- (1) There is created an Executive Appropriations Committee consisting of 20 members composed of:
 - (a) three members of the majority leadership of the Senate and four members of the majority leadership of the House;
 - (b) two members of the minority leadership of the Senate and three members of the minority leadership of the House;
 - (c) the chair and vice chair of the Senate Appropriations Committee and the chair and vice chair of the House Appropriations Committee; and
 - (d)

- (i) one member from the majority party of the Senate as appointed by the president of the Senate or as chosen by the Senate majority caucus;
 - (ii) two members from the minority party of the Senate as appointed by the Senate minority leader or as chosen by the Senate minority caucus; and
 - (iii) one member from the minority party of the House as appointed by the House minority leader or as chosen by the House minority caucus.
- (2) A member of the Executive Appropriations Committee, whose membership is determined under Subsection (1)(a) or (b), may appoint a designee to permanently serve in that individual's place if:
- (a) the person is a member of the majority party and the designee is approved by the speaker or the president; or
 - (b) the person is a member of the minority party and the designee is approved by the House or Senate minority party leader.
- (3)
- (a) A majority of the Executive Appropriations Committee is a quorum for the transaction of business.
 - (b) In determining a committee quorum, a majority is at least 50% in one house and more than 50% in the other.
- (4)
- (a) In all decisions of the Executive Appropriations Committee, a majority vote prevails.
 - (b) A majority vote is at least 50% of the members of one house and more than 50% of the members of the other house in attendance.
- (5) The Office of the Legislative Fiscal Analyst shall staff the Executive Appropriations Committee and its subcommittees.

JR3-2-402 Executive appropriations -- Duties -- Base budgets.

- (1) As used in this rule:
- (a) "Base budget" means amounts appropriated by the Legislature for each item of appropriation for the current fiscal year that:
 - (i) are not designated as one-time in an appropriation, regardless of whether the appropriation is covered by ongoing or one-time revenue sources; and
 - (ii) were not vetoed by the governor, unless the Legislature overrode the veto.
 - (b) "Base budget" includes:
 - (i) any changes to those amounts approved by the Executive Appropriations Committee; and
 - (ii) amounts appropriated for debt service.
- (2)
- (a) The Executive Appropriations Committee shall meet no later than the third Wednesday in December to:
 - (i) direct staff as to what revenue estimate to use in preparing budget recommendations, to include a forecast for federal fund receipts;
 - (ii) consider treating above-trend revenue growth as one-time revenue for major tax types;
 - (iii) hear a report on the historical, current, and anticipated status of the following:
 - (A) debt;
 - (B) long term liabilities;
 - (C) contingent liabilities;
 - (D) General Fund borrowing;
 - (E) reserves;

- (F) fund balances;
- (G) nonlapsing appropriation balances;
- (H) cash funded infrastructure investment; and
- (I) changes in federal funds paid to the state;
- (iv) hear a report on:
 - (A) the next fiscal year base budget appropriation for Medicaid accountable care organizations according to Section 26-18-405.5;
 - (B) an explanation of program funding needs;
 - (C) estimates of overall medical inflation in the state; and
 - (D) mandated program changes and their estimated cost impact on Medicaid accountable care organizations;
- (v) decide whether to set aside special allocations for the end of the session, including allocations:
 - (A) to address any anticipated reduction in the amount of federal funds paid to the state; and
 - (B) of one-time revenue to pay down debt and other liabilities;
- (vi) approve the appropriate amount for each subcommittee to use in preparing its budget;
- (vii) set a budget figure; and
- (viii) adopt a base budget in accordance with Subsection (2)(b) and direct the legislative fiscal analyst to prepare one or more appropriations acts appropriating one or more base budgets for the next fiscal year.
- (b) In a base budget adopted under Subsection (2)(a), appropriations from the General Fund, the Education Fund, and the Uniform School Fund shall be set as follows:
 - (i) if the next fiscal year ongoing revenue estimates set under Subsection (2)(a)(i) are equal to or greater than the current fiscal year ongoing appropriations, the new fiscal year base budget is not changed;
 - (ii) if the next fiscal year ongoing revenue estimates set under Subsection (2)(a)(i) are less than the current fiscal year ongoing appropriations, the new fiscal year base budget is reduced by the same percentage that projected next fiscal year ongoing revenue estimates are lower than the total of current fiscal year ongoing appropriations;
 - (iii) in making a reduction under Subsection (2)(b)(ii), appropriated debt service shall not be reduced, and other ongoing appropriations shall be reduced, in an amount sufficient to make the total ongoing appropriations, including the unadjusted debt service, equal to the percentage calculated under Subsection (2)(b)(ii); and
 - (iv) the new fiscal year base budget shall include an appropriation to the Department of Health for Medicaid accountable care organizations in the amount required by Section 26-18-405.5.
- (c) The chairs of each appropriation subcommittee are invited to attend this meeting.
- (3) Appropriations subcommittees may not meet while the Senate or House is in session without special leave from the speaker of the House and the president of the Senate.
- (4) All proposed items of expenditure to be included in the appropriations bills shall be submitted to one of the subcommittees named in JR3-2-302 for consideration and recommendation.
- (5)
 - (a) After receiving and reviewing subcommittee reports, the Executive Appropriations Committee may refer the report back to an appropriations subcommittee with any guidelines the Executive Appropriations Committee considers necessary to assist the subcommittee in producing a balanced budget.
 - (b) The subcommittee shall meet to review the new guidelines and report the adjustments to the chairs of the Executive Appropriations Committee as soon as possible.
- (6)

- (a) After receiving the reports, the Executive Appropriations Committee chairs will report them to the Executive Appropriations Committee.
- (b) That committee shall:
 - (i) make any further adjustments necessary to balance the budget; and
 - (ii) complete all decisions necessary to draft the final appropriations bill no later than the 39th day of the annual general session.

Part 5

Executive Appropriations Committee and Subcommittees -- Interim

JR3-2-501 Meetings -- Appropriation reviews.

- (1)
 - (a) During the interim, the Executive Appropriations Committee shall meet at least every other month on the day before interim meetings.
 - (b) The appropriations subcommittee chairs may attend these meetings and provide input regarding their budget.
- (2) Appropriation subcommittees shall meet at least once during the interim and may also hold additional meetings if authorized by the Legislative Management Committee.
- (3)
 - (a) The Executive Appropriations Committee may, based on a legislator's or citizen's complaint, review any appropriation, whether in an appropriations bill or otherwise, to ensure that the entity to which the funds were appropriated complies with any legislative intent expressed in the legislation appropriating the funds.
 - (b) If the Executive Appropriations Committee finds that an entity has not complied with any legislative intent concerning an appropriation expressed in the legislation appropriating the fund, the committee may make a recommendation concerning the appropriation to the entity receiving the funds and the Legislative Management Committee.

Part 6

Conference Committees

JR3-2-601 Appointment and chairs -- Notice.

- (1)
 - (a) If the Senate refuses to concur in the House amendments to a Senate bill, the secretary of the Senate shall notify the House of the refusal and ask the House to recede from its amendments.
 - (b) Either house may recede from its position on any difference existing between the two houses by a majority vote of its members.
 - (c)
 - (i) If the House refuses to recede, the speaker shall appoint a conference committee of three.
 - (ii) After making the appointment, the speaker shall:
 - (A) publicly announce the House members of the conference committee and the time and place that the conference committee will meet;

- (B) ensure that no more than two of the appointees are members of the majority party; and
 - (C) direct House staff to provide electronic notice that identifies the House members of the conference committee and the time and place of the conference committee meeting.
 - (d) If the speaker does not immediately appoint a conference committee, the president may appoint a conference committee as provided in Subsection (2)(c).
- (2)
- (a) If the House refuses to concur in the Senate amendments to a House bill, the chief clerk of the House shall notify the Senate of the refusal and ask the Senate to recede from its amendments.
 - (b) Either house may recede from its position on any difference existing between the two houses by a majority vote of its members.
 - (c)
 - (i) If the Senate refuses to recede, the president shall appoint a conference committee of three.
 - (ii) After making the appointment, the president shall:
 - (A) publicly announce the Senate members of the conference committee and the time and place that the conference committee will meet;
 - (B) ensure that no more than two of the appointees are members of the majority party; and
 - (C) direct Senate staff to provide electronic notice that identifies the Senate members of the conference committee and the time and place of the conference committee meeting.
 - (d) If the president does not immediately appoint a conference committee, the speaker may appoint a conference committee as provided in Subsection (1)(c).
- (3)
- (a) Whenever the president or speaker appoint a conference committee, the secretary of the Senate or chief clerk of the House shall:
 - (i) immediately notify the other house of the action taken; and
 - (ii) request the appointment of conference committee members from that other house.
 - (b) After receiving the notice and request, the presiding officer of the other house shall:
 - (i) appoint a conference committee of three;
 - (ii) publicly announce the members of the conference committee from that house and the time and place that the conference committee will meet; and
 - (iii) direct staff to provide electronic notice that identifies the members of the conference committee and the time and place of the conference committee meeting.
- (4)
- (a) The first senator named on the conference committee is the Senate chair of the committee, and the first representative named on the conference committee is the House chair.
 - (b) The conference committee chairs shall direct the preparation of the conference committee report.

JR3-2-602 Conference committee procedures.

- (1) The chair from the house of origin of the bill shall chair meetings of the committee.
- (2) Staff from the Office of Legislative Research and General Counsel may attend the conference committee meeting to assist in the preparation of the committee report.
- (3)
 - (a) Subject to Subsection (3)(b), conference committee meetings are open to the public.
 - (b) Public comment may not be received or made during a conference committee meeting unless a majority of committee members from one house and at least 50% from the other house vote to receive public comment.

- (4)
 - (a) A majority of committee members from each house must approve a conference committee report in order for it to be presented to the Legislature.
 - (b)
 - (i) If the conference committee cannot reach an agreement, the committee shall report the failure to agree to both houses.
 - (ii) Upon notice that a conference committee has failed to agree, the presiding officer of each house may either appoint a new committee by following the requirements of JR3-2-601 or reappoint the former committee and announce the time and place of the committee's meeting.
- (5) Before a bill being considered by a conference committee is abandoned, not to be reviewed again by either house during the remainder of the session, each house shall vote to refuse further conferences by the same committee or a new committee.

JR3-2-603 Conference committee report -- Contents -- Disposition.

- (1) The conference committee's report shall:
 - (a) be in writing; and
 - (b) list the vote of each member of the conference committee by name.
- (2)
 - (a) Subject to Subsection (2)(b), the committee may report any modifications or amendments to the bill that they think advisable.
 - (b) A conference committee may not consider or report on any matter except those at issue between the two houses.
- (3)
 - (a) If the bill being discussed by the conference committee is a House bill, the Senate conference committee members shall present the conference committee report first to the Senate.
 - (b) If the bill being discussed by the conference committee is a Senate bill, the House conference committee members shall present the conference committee report first to the House.
- (4)
 - (a) After a motion to adopt the conference committee report is approved, the bill shall be put at the top of the third reading calendar in the first house for consideration.
 - (b) When the first house has acted on the bill, it shall transmit the bill and the report to the other house, along with a letter explaining its action.
 - (c) Before a house's vote is taken on the conference committee report, the report shall be read.

JR3-2-604 Failure to meet.

If the members of the conference committee do not meet in a timely manner after being appointed, the presiding officers of both houses may appoint a new conference committee and disband the original conference committee.

Chapter 3
Part 3. Long-Term Planning Conference

JR3-3-101 Long-Term Planning Conference.

- (1) The president of the Senate and the speaker of the House of Representatives shall, by mutual consent, call a joint Long-Term Planning Conference of members of the two houses.
- (2) The conference will be held at least every two years on a date or dates designated jointly by the president of the Senate and the speaker of the House of Representatives.
- (3) The conference may last one or two days and may include meetings, workshops, and other sessions and activities designed to accomplish the purpose of the conference as described in Section JR3-3-102.

JR3-3-102 Purpose of the Long-Term Planning Conference.

The purpose of the Long-Term Planning Conference is to provide information and tools that will encourage the Legislature, and other guests invited at the discretion of the Legislature, to:

- (1) focus on long-term planning, policy making, and budgeting by the Legislature, state and local government agencies, and educational institutions;
- (2) learn about the long-term economic and demographic trends of the state;
- (3) learn about the long-term budgetary outlook for the state, including any issues or constraints;
- (4) consider ways to implement long-term planning processes as part of creating effective policies, laws, and appropriations that address more than just immediate concerns; and
- (5) make informed decisions and implement sound public policy initiatives that ensure the long-term success and economic vitality of the state and its citizens.

JR3-3-103 Conference agenda -- Staffing.

- (1) The president of the Senate and the speaker of the House of Representatives shall jointly establish the agenda for the conference.
- (2) Under the direction of the president of the Senate and speaker of the House of Representatives, the Office of Legislative Research and General Counsel, with the assistance of other legislative staff offices, shall staff the conference in accordance with the agenda described in Subsection (1).
- (3) The agenda described in Subsection (1) may include a variety of presenters, including representatives of education, government, business, and the private sector.

Title JR4. Bills and Resolutions

**Chapter 1
General Provisions**

**Part 1
General Provisions and Format Requirements**

JR4-1-101 Definitions.

As used in this title:

- (1) "Bill" means legislation introduced for consideration by the Legislature that does any, some, or all of the following to Utah statutes:
 - (a) amends;
 - (b) enacts;
 - (c) repeals;
 - (d) repeals and reenacts; or
 - (e) renumbers and amends.
- (2) "Boldface" means the brief descriptive summary of the contents of a statutory section prepared by the Office of Legislative Research and General Counsel that is printed for each title, chapter, part, and section of the Utah Code.
- (3) "Concurrent resolution" means a written proposal of the Legislature and governor, which, to be approved, must be passed by both houses of the Legislature and concurred to by the governor.
- (4) "Constitutional joint resolution" means a joint resolution proposing to amend, enact, or repeal portions of the Utah Constitution which, to be approved for submission to the voters, must be passed by a two-thirds vote of both houses of the Legislature.
- (5) "House resolution" means a written proposal of the House of Representatives which, to be approved, must be passed by the House of Representatives.
- (6) "Joint resolution" means a written proposal of the Legislature which, to be approved, must be passed by both houses of the Legislature.
- (7) "Laws of Utah" means all of the laws currently in effect in Utah.
- (8) "Legislation" means bills and resolutions introduced for consideration by the Legislature.
- (9) "Request for Legislation" means a formal request from a legislator or interim committee that a bill or resolution be prepared by the Office of Legislative Research and General Counsel.
- (10) "Resolution" includes constitutional joint resolutions, other joint resolutions, concurrent resolutions, House resolutions, and Senate resolutions.
- (11) "Senate resolution" means a written proposal of the Senate which, to be approved, must be passed by the Senate.
- (12) "Statute" means a law that has met the constitutional requirements for enactment.
- (13) "Statutory section" means the unique unit of the laws of Utah that is identified by a title, chapter, and section number.

Part 2 Bill Format

JR4-1-201 General bill format requirements.

- (1) Each bill shall be typewritten or printed on paper 8-1/2 by 11 inches.
- (2)
 - (a) When a bill proposes to enact new law, all of the language proposed to be enacted by the bill shall be underlined.
 - (b) When a bill proposes to enact a statutory section of new law, all of the language in the entire section must be underlined.
 - (c) When a bill proposes to repeal an existing statutory section and reenact that statutory section using new language, the new language of the entire section shall be underlined.
- (3) When a bill proposes to amend a statutory section without repealing the entire statutory section:

- (a) all of the language to be repealed must appear between brackets with the letters struck through; and
 - (b) all of the new language proposed to be enacted by the bill must be underlined.
- (4) When a bill proposes to repeal a statutory section, the statutory sections to be repealed shall be listed in the long title as required by these rules and listed by statutory section number and bold face at the end of the bill before any special clauses.

JR4-1-202 Specific bill format requirements.

- (1) Each bill shall contain:
- (a) a designation containing the information required by Subsection (2);
 - (b) a short title, which provides a short common description of the bill;
 - (c) the year and type of legislative session in which the bill is to be introduced;
 - (d) the phrase "State of Utah";
 - (e) the sponsor's name, after the heading "Chief Sponsor:";
 - (f) if the bill is a House bill that has passed third reading in the House, the Senate sponsor's name after the heading "Senate Sponsor:";
 - (g) if the bill is a Senate bill that has passed third reading in the Senate, the House sponsor's name after the heading "House Sponsor:";
 - (h) a list of cosponsors who are members of the same house as the chief sponsor, if any;
 - (i) a long title, which includes:
 - (i) a brief general description of the subject matter in the bill;
 - (ii) a list of each section of the Utah Code affected by the bill, which cites by statute number those statutes that the bill proposes be amended, enacted, repealed and reenacted, renumbered and amended, and repealed; and
 - (iii) for bills that contain an appropriation, the sum proposed to be appropriated by the bill unless the bill is an appropriation bill or supplemental appropriation bill whose single subject is the appropriation of money;
 - (j) an enacting clause in the following form: "Be it enacted by the Legislature of the state of Utah:"; and
 - (k) the subject matter, given in one or more sections.
- (2) The designation shall be a heading that identifies the bill by its house of introduction and by unique number assigned to it by the Office of Legislative Research and General Counsel and shall be in the following form: "S.B." or "H.B." followed by the number assigned to the bill.

JR4-1-203 Effective date of bills.

- (1) Unless otherwise directed by the Legislature, a bill becomes effective 60 days after the adjournment of the session at which it passed.
- (2) The 60 days begins to run the day after the Legislature adjourns sine die.

**Part 3
Resolution Format**

JR4-1-301 General resolution format requirements.

- (1) Each resolution shall be typewritten or printed on paper 8-1/2 by 11 inches.
- (2) Each resolution shall contain:
 - (a) a designation containing the information required by Subsection (3);
 - (b) a short title;
 - (c) the year and type of legislative session in which the resolution is to be introduced;
 - (d) the phrase "State of Utah";
 - (e) the sponsor's name, after the heading "Chief Sponsor:";
 - (f) if the resolution is a House resolution that has passed third reading in the House, the Senate sponsor's name after the heading "Senate Sponsor:";
 - (g) if the resolution is a Senate resolution that has passed third reading in the Senate, the House sponsor's name after the heading "House Sponsor:";
 - (h) a long title, which shall include a list of constitutional sections, legislative rules, or the Utah Supreme Court's Rules of Procedure or Rules of Evidence affected, if applicable;
 - (i) a resolving clause containing the information required by Subsection (4);
 - (j) for joint resolutions, concurrent resolutions, Senate resolutions, and House resolutions:
 - (i) one or more paragraphs that begin with the word "Whereas" that function as the preamble; and
 - (ii) one or more paragraphs that begin with the words "Be it Resolved" that identify the statement of purpose or policy; and
 - (k) special clauses including, if necessary, an effective date.
- (3) The designation shall be a heading that identifies the resolution by its house of introduction and by unique number assigned to it by the Office of Legislative Research and General Counsel and shall be in the following form:
 - (a) for constitutional joint resolutions and joint resolutions: "S.J.R." or "H.J.R." followed by the number assigned to the joint resolution;
 - (b) for concurrent resolutions: "S.C.R." or "H.C.R." followed by the number assigned to the concurrent resolution;
 - (c) for Senate resolutions: "S.R." followed by the number assigned to the Senate resolution; or
 - (d) for House resolutions: "H.R." followed by the number assigned to the House resolution.
- (4) Each resolution shall contain a resolving clause in one of the following forms:
 - (a) in a constitutional joint resolution, or in a joint resolution proposing to amend the Utah Supreme Court's Rules of Procedure or Rules of Evidence: "Be it resolved by the Legislature of the state of Utah, with at least two-thirds of all members elected to each of the two houses concurring:";
 - (b) in a joint resolution: "Be it resolved by the Legislature of the state of Utah:";
 - (c) in a concurrent resolution: "Be it resolved by the Legislature of the state of Utah, with the Governor concurring:";
 - (d) in a Senate resolution: "Be it resolved by the Senate of the state of Utah:"; or
 - (e) in a House resolution: "Be it resolved by the House of Representatives of the state of Utah:".

JR4-1-302 Effective date of resolutions.

Unless otherwise directed by the Legislature, a resolution becomes effective on the day that the resolution receives final approval from:

- (1) the House of Representatives or the Senate, if it is a single house resolution;
- (2) both the House of Representatives and the Senate, if it is a joint resolution;
- (3) the House of Representatives, the Senate, and the governor, if it is a concurrent resolution; or

- (4) the House of Representatives, the Senate, and the voters at the next general election, if it is a constitutional joint resolution.

JR4-1-303 Distribution of resolutions.

- (1)
 - (a) Subject to Subsection (2), the secretary of the Senate shall ensure that Senate Resolutions and Senate Joint Resolutions are distributed as required by the resolution.
 - (b) Subject to Subsection (2), the chief clerk of the House shall ensure that House Resolutions and House Joint Resolutions are distributed as required in the resolution.
- (2) If either the House or the Senate, or both, enact a resolution urging action by the United States House of Representatives, the United States Senate, or the United States Congress as a whole, in informing those entities of the action, the resolution may only be sent to:
 - (a) the Utah congressional delegation;
 - (b) the speaker of the United States House of Representatives;
 - (c) the majority leader of the United States Senate; and
 - (d) at the request of the legislative sponsor, any member of the appropriate U.S. House or U.S. Senate committee or subcommittee.

**Part 4
Amendments in Context**

JR4-1-401 Identifying adopted amendments in context.

- (1) When a Senate committee or floor amendment is adopted in the Senate, the Senate amendment shall be noted in the legislation with additional spacing and markers indicating the beginning and ending of the adopted Senate amendment.
- (2) When a House committee or floor amendment is adopted in the House, the House amendment shall be noted in the legislation with additional spacing and markers indicating the beginning and ending of the adopted House amendment.
- (3)
 - (a) Notwithstanding JR4-1-201, and except as provided in Subsection (3)(b), when an additional section from the Utah Code is added to a bill by amendment:
 - (i) all of the language in the section that is to be repealed must appear between brackets with the letters struck through; and
 - (ii) all of the new language in the section that is proposed to be enacted by the bill must be underlined.
 - (b) If the additional section added to the bill by amendment is to be repealed, the text of the repealed section need not be included.

**Chapter 2
Requesting and Introducing Bills and Resolutions**

Part 1 Requesting Bills or Resolutions

JR4-2-101 Requests for legislation -- Contents -- Timing.

- (1)
 - (a) A legislator wishing to introduce a bill or resolution shall file a Request for Legislation with the Office of Legislative Research and General Counsel within the time limits established by this rule.
 - (b) The request for legislation shall:
 - (i) designate the chief sponsor, who is knowledgeable about and responsible for providing pertinent information as the legislation is drafted;
 - (ii) designate any supporting legislators from the same house as the chief sponsor who wish to cosponsor the legislation; and
 - (iii)
 - (A) provide specific or conceptual information concerning the change or addition to law or policy that the legislator intends the proposed legislation to make;
 - (B) identify the specific situation or concern that the legislator intends the legislation to address; or
 - (C) identify the general subject area within which the proposed legislation is likely to fall.
- (2)
 - (a) Any legislator may file a request for legislation beginning 60 days after the Legislature adjourns its annual general session sine die.
 - (b) A legislator-elect may file a request for legislation beginning on the November 15 after the annual general election at which the legislator was elected.
 - (c)
 - (i) If an incumbent legislator does not file to run for reelection or is defeated in a political party convention, primary election, or general election, that legislator may not file any requests for legislation as of that date.
 - (ii) The Office of Legislative Research and General Counsel shall abandon each request for legislation from the legislator that is pending on that date unless, within 30 days after that date, another member of the Legislature qualified to file a request for legislation assumes sponsorship of the legislation.
 - (d)
 - (i) If, for any reason, a legislator who filed a request for legislation is unavailable to serve in the next annual general session, the former legislator shall seek another legislator to assume sponsorship of each request for legislation filed by the legislator who is unavailable to serve.
 - (ii) If the former legislator is unable to find another legislator to sponsor the legislation within 30 days, the Office of Legislative Research and General Counsel shall abandon each pending request for legislation from the legislator who is unavailable to serve.
- (3)
 - (a) Except as provided in Subsection (3)(c), a legislator may not file a Request for Legislation with the Office of Legislative Research and General Counsel after noon on the 11th day of the annual general session.
 - (b) Except as provided in Subsection (3)(c), by noon on the 11th day of the annual general session, each legislator shall, for each Request for Legislation on file with the Office of Legislative Research and General Counsel, either approve the request for numbering or abandon the request.

- (c) After the date established by this Subsection (3), a legislator may file a Request for Legislation and automatically approve the legislation for numbering if:
 - (i) for House legislation, the representative makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority of the House; or
 - (ii) for Senate legislation, the senator makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority vote of the Senate.
- (4) A legislator wishing to obtain funding for a project, program, or entity, when that funding request does not require that a statute be enacted, repealed, or amended, may not file a Request for Legislation but instead shall file a request for appropriation by following the procedures and requirements of JR4-3-101.

JR4-2-102 Drafting and prioritizing legislation.

- (1)
 - (a) Requests for legislation shall be drafted on a first-in, first-out basis.
 - (b) Notwithstanding Subsection (1)(a), the following requests for legislation shall be drafted before other requests for legislation when sufficient drafting information is available:
 - (i) a request for legislation that is prioritized by a legislator under Subsection (2); and
 - (ii) a request for legislation that is requested by the majority vote of an interim committee.
- (2)
 - (a) Beginning on the first day on which a request for legislation may be filed under JR4-2-101, a legislator may designate up to three requests for legislation as priority requests subject to the following deadlines:
 - (i) priority request number one must be requested on or before the first Thursday in December, or the following business day if the first Thursday falls on a holiday;
 - (ii) priority request number two must be requested on or before the first Thursday in January, or the following business day if the first Thursday falls on a holiday; and
 - (iii) priority request number three must be requested on or before the first Thursday of the annual general session.
 - (b) A legislator who fails to make a priority request on or before a deadline loses that priority request. However, the legislator is not prohibited from using any remaining priority requests that are associated with a later deadline, if available.
 - (c) A legislator who begins serving after a deadline has passed is entitled to use only those priority requests that are available under an unexpired deadline.
 - (d) A legislator may not designate a request for legislation as a priority request unless the request:
 - (i) provides specific or conceptual information concerning the change or addition to law or policy that the legislator intends the proposed legislation to make; or
 - (ii) identifies the specific situation or concern that the legislator intends the legislation to address.
- (3) A legislator may not:
 - (a) revoke a priority designation once it has been requested;
 - (b) transfer a priority designation to a different request for legislation; or
 - (c) transfer a priority designation to another legislator.
- (4) Except as provided under JR4-2-502 or as otherwise provided in these rules, the Office of Legislative Research and General Counsel shall:

- (a) reserve as many bill numbers as necessary to number the bills recommended by an interim committee; and
- (b) number all other legislation in the order in which the legislation is approved by the sponsor for numbering.

JR4-2-103 Legislation -- Sponsorship requirements.

- (1)
 - (a) The legislator who approves the legislation for numbering is the chief sponsor.
 - (b) The chief sponsor may withdraw sponsorship of the legislation by following the procedures and requirements of Senate Rules or House Rules.
- (2)
 - (a) Before or after the bill is introduced, legislators from the same house as the chief sponsor may have their names added to or deleted from the legislation as co-sponsors by following the procedures and requirements of Senate Rules or House Rules.
 - (b) Except as provided in Subsection (3), only legislators who are members of the same house as the chief sponsor may co-sponsor legislation.
- (3) Before the secretary of the Senate or the chief clerk of the House may transfer legislation to the opposite house, the chief sponsor shall:
 - (a) designate a member of the opposite house as sponsor of the legislation for that house; and
 - (b) provide the secretary or chief clerk with the name of that sponsor for designation on the legislation.

Part 2
Substitute and Replacement Bills or Resolutions

JR4-2-201 Definitions.

As used in this part:

- (1) "Committee substitute" means a substitute bill or resolution that is prepared for introduction in a Senate or House standing committee.
- (2) "Floor substitute" means a substitute bill or resolution that is prepared for introduction on the Senate or House floor.
- (3)
 - (a) "Germane" means that the substitute is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original legislation.
 - (b) "Germane" includes a substitute that changes the effect or is in conflict with the spirit of the original legislation if the substance of the substitute can be encompassed within the short title of the underlying bill.
- (4) "Replacement legislation" means a bill, resolution, or substitute that replaces the original because of a technical error.
- (5) "Substitute" means a new bill or resolution that:
 - (a) replaces the old bill or resolution in title and body; and
 - (b) is germane to the subject of the original bill or resolution.

JR4-2-202 Substitute bills or resolutions.

- (1)
 - (a) By following the procedures and requirements of Senate or House rule, a legislator may propose a committee substitute to any Senate or House legislation that is under consideration by a committee of which the legislator is a member.
 - (b) By following the procedures and requirements of Senate or House rule, a legislator may propose a floor substitute to any Senate or House legislation that is under consideration by the house of which the legislator is a member.
- (2) To initiate drafting of a substitute, a legislator shall give drafting instructions to the attorney who drafted the legislation.
- (3) After the substitute sponsor has approved the substitute, the Office of Legislative Research and General Counsel shall:
 - (a) electronically set the line numbers of the substitute; and
 - (b) distribute the substitute according to the sponsor's instructions.

JR4-2-203 Replacement bills or resolutions.

- (1) If the legislative general counsel determines that a numbered bill or resolution contains a technical error, the Office of Legislative Research and General Counsel may prepare and submit a replacement bill or resolution that corrects the error.
- (2) A sponsor may not file, and legislative staff may not create, replacement legislation if:
 - (a) the original legislation has been approved by the sponsor;
 - (b) the legislation has been numbered; and
 - (c) copies of the legislation have been distributed.
- (3) Nothing in this rule prohibits a sponsor from preparing amendments to the original legislation or one or more substitutes of the original legislation and proposing their adoption by a committee or by either house of which the legislator is a member.

JR4-2-204 Substitute bills and amendments to bills must be germane.

A bill may not be amended or substituted unless the changes are germane to the purpose of the original bill.

Part 3
Drafting and Approval of Legislation by Office
of Legislative Research and General Counsel

JR4-2-301 Drafting and sponsor approval of legislation.

- (1) After receiving a request for legislation, the Office of Legislative Research and General Counsel shall:
 - (a) review the request and any accompanying draft; and
 - (b) draft the legislation for approval by the sponsor.
- (2) In drafting the legislation, the Office of Legislative Research and General Counsel shall, when applicable:
 - (a) ensure that the legislation is in proper legal form;

- (b) remove any ambiguities;
 - (c) avoid constitutional or statutory conflicts; and
 - (d) correct technical errors as provided in Utah Code Section 36-12-12.
- (3)
- (a) Any request for legislation filed directly with the Office of Legislative Research and General Counsel, with a complete accompanying draft, shall be reviewed and approved by the Office of Legislative Research and General Counsel within three legislative days.
 - (b) This three day deadline may be extended if the director of the Office of Legislative Research and General Counsel requests it and states the reasons for the delay.
- (4) When the Office of Legislative Research and General Counsel has completed the legislation, the office shall:
- (a) send the legislation to the chief sponsor for review and approval; and
 - (b) after the chief sponsor approves the legislation, number and distribute the legislation as provided in JR4-2-503.

Part 4

Committee Notes, Fiscal Notes, and Legislative Review Notes

JR4-2-401 Committee notes.

- (1) As used in this rule:
- (a) "Legislative committee" means a committee, commission, task force, or other policy or advisory body that is created by statute, legislation, or by the Legislative Management Committee and that is composed exclusively of legislators.
 - (b)
 - (i) "Legislative committee" does not mean a standing committee.
 - (ii) Notwithstanding Subsection (1)(b)(i), "legislative committee" includes each Rules Committee.
 - (c) "Mixed committee" means a committee, commission, task force, or other policy or advisory body that is:
 - (i) created by statute, legislation, or by the Legislative Management Committee;
 - (ii) composed of legislator members and nonlegislative members; and
 - (iii) staffed by the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst.
- (2) The Office of Legislative Research and General Counsel shall:
- (a) note on any legislation reviewed by a legislative committee that the committee recommends the legislation or has voted the legislation out without recommendation;
 - (b) note on any legislation reviewed by a mixed committee:
 - (i) the number of legislators and nonlegislators on the mixed committee;
 - (ii) the number of legislators who voted for and against recommending the legislation; and
 - (iii) that the committee recommends the legislation or has voted the legislation out without recommendation; and
 - (c) ensure that the note is printed with the legislation.

JR4-2-402 Legislative review notes.

- (1) The legislative general counsel shall place a legislative review note on the legislation.
- (2)
 - (a) If an amendment or a substitute to legislation appears to substantively change the legislation's constitutionality, the legislative general counsel shall prepare an amended legislative review note for the legislation.
 - (b) The amended legislative review note shall be made available to legislators in hard copy or electronically.
- (3) The legislative review note or amended legislative review note is not an official part of the legislation.

JR4-2-403 Fiscal notes.

- (1)
 - (a)
 - (i) When the legislative fiscal analyst receives the electronic copy of the approved legislation from the Office of Legislative Research and General Counsel, that office shall, within three business days:
 - (A) review and analyze the legislation to determine its fiscal impact; and
 - (B) provide a fiscal note to the sponsor of the legislation.
 - (ii) The three day deadline for the preparation of the fiscal note may be extended if the legislative fiscal analyst requests it, states the reasons for the delay, and informs the sponsor of the legislation of the delay.
 - (b) If the legislative fiscal analyst determines that the legislation has no fiscal impact, the legislative fiscal analyst may release the fiscal note immediately after the sponsor has received a copy of the fiscal note.
 - (c) The sponsor may:
 - (i) approve the release of the fiscal note;
 - (ii) direct that the fiscal note be held; or
 - (iii) if the sponsor disagrees with the fiscal note, contact the legislative fiscal analyst to discuss that disagreement and provide evidence, data, or other information to support a revised fiscal note.
 - (d) If the sponsor does not contact the legislative fiscal analyst with instructions about the fiscal note within one 24 hour legislative day, the legislative fiscal analyst shall release the fiscal note.
 - (e) The legislative fiscal analyst shall make the final determination on the fiscal note.
 - (f) The fiscal note shall be printed with the legislation.
- (2) If an amendment or a substitute to legislation appears to substantively change the fiscal impact of the legislation, the legislative fiscal analyst shall prepare an amended fiscal note for the legislation.
- (3) The fiscal note is not an official part of the legislation.

JR4-2-404 Performance review notes -- Review of performance measures.

- (1) As used in this section:
 - (a)
 - (i) "New agency" means:
 - (A) a state governmental entity that did not previously exist;
 - (B) a governmental entity that requires a new appropriation for new funding;

- (C) a governmental entity that is modified by legislation to add significant services or benefits that were not previously offered by the governmental entity; or
 - (D) a governmental entity that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the governmental entity.
- (ii) "New agency" does not mean a governmental entity that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(a)(i)(C) or (D).
- (b)
- (i) "New program" means a program:
 - (A) created by statute that did not previously exist;
 - (B) that requires a new appropriation or an increased appropriation for the purpose of adding significant services or benefits that were not previously offered;
 - (C) that is modified by legislation to add significant services or benefits that were not previously offered by the program; or
 - (D) that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the program.
 - (ii) "New program" does not mean a program that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(b)(i)(C) or (D).
- (c) "Performance note" means the statement of performance measures and information that may be required to be printed with certain legislation according to the requirements of this rule.
- (2)
- (a) When the legislative fiscal analyst receives the electronic copy of approved legislation from the Office of Legislative Research and General Counsel, the legislative fiscal analyst shall, within one business day, review and analyze the legislation to determine if it creates a new program or a new agency.
 - (b) If the legislative fiscal analyst determines that the legislation does not create a new agency or a new program, the legislative fiscal analyst shall print a performance note with the legislation that, notwithstanding Subsection (6), indicates only that the legislation does not create a new agency or a new program.
 - (c) If the legislative fiscal analyst determines that the legislation creates a new agency or a new program, the legislative fiscal analyst shall:
 - (i) notify the sponsor of the legislation that the legislation qualifies for a performance note;
 - (ii) notify the governmental entity that will supervise the new agency, or the governmental entity that will administer the new program, that the governmental entity must submit a performance note that meets the requirements of Subsection (6) to the legislative fiscal analyst within three business days;
 - (iii) prepare a notice disclosing:
 - (A) that a performance note is required;
 - (B) the name of the governmental entity required to provide the performance note; and
 - (C) the date on which the performance note is to be provided by the governmental entity; and
 - (iv) print the notice with the legislation.
 - (d) The legislative fiscal analyst may extend the deadline for the governmental entity's submission of the performance note if:
 - (i) the governmental entity requests that the deadline be extended to a date certain in writing before the performance note is due; and
 - (ii) the sponsor of the legislation agrees to extend the deadline.

- (3) If the sponsor of the legislation disputes the legislative fiscal analyst's determination as to whether a performance note is required, the sponsor shall contact the legislative fiscal analyst to discuss that disagreement and provide evidence, data, or other information to support a different determination.
- (4)
 - (a)
 - (i) When a governmental entity provides a performance note to the legislative fiscal analyst, the legislative fiscal analyst shall provide a copy of the performance note to the sponsor.
 - (ii) The sponsor of the legislation shall either approve the release of the performance note or reject the performance note.
 - (b) If the sponsor approves the performance note provided by the governmental entity, the legislative fiscal analyst shall print the performance note with the legislation.
 - (c) If the sponsor rejects the performance note provided by the governmental entity, the legislative fiscal analyst shall print the following with the legislation:
 - (i) the performance note provided by the governmental entity, with a notation that the sponsor rejected the submission; and
 - (ii) if the sponsor provides an alternative performance note to the legislative fiscal analyst within three business days of receiving the performance note, the alternative performance note, with a notation that the sponsor provided the alternative note due to the sponsor's rejection of the governmental entity's submission.
- (5) If the governmental entity does not provide a performance note by the submission deadline, the legislative fiscal analyst shall print a performance note with the legislation that indicates only that the governmental entity did not submit performance measures by the submission deadline.
- (6) A performance note shall contain the following information:
 - (a) the name of the governmental entity submitting the performance note, as applicable;
 - (b) the names and titles of the individuals who prepared the performance note; and
 - (c) a statement of performance measures that:
 - (i) explains the purpose and duties of the new program or agency;
 - (ii) lists the services that will be provided by the new program or agency;
 - (iii) lists the goals and proposed impacts that the new program or agency intends to achieve within one, two, and three years;
 - (iv) lists the resources and steps required to achieve the goals and proposed impacts;
 - (v) lists the benchmarks that the new program or agency will monitor to measure progress toward the goals and outcome;
 - (vi) lists the performance measures that will be used to evaluate progress toward the goals and proposed impacts; and
 - (vii) states how information on progress and performance measures will be gathered in a reliable, objective fashion.
- (7) The performance note is not an official part of the legislation.
- (8) After legislation that creates a new program or a new agency has gone into effect, the legislative auditor general shall, subject to the procedures and requirements of Utah Code Section 36-12-15:
 - (a) provide an outline of best practices to the governmental entity that administers the new program or to the new agency;
 - (b) include in the outline information to assist that governmental entity or new agency with the creation of:
 - (i) policies that promote best practices;
 - (ii) performance measures; and

- (iii) data collection procedures; and
- (c) for a new program or a new agency that was created by legislation where the governmental entity failed to provide a performance note:
 - (i) provide a notice to the governmental entity that administers the new program or to the new agency that the governmental entity or agency is required to submit a performance note to the legislative auditor general within 30 calendar days of the date of the notice;
 - (ii) retain the performance note that is received from the governmental entity or new agency and forward a copy of the note to:
 - (A) the primary sponsor of the legislation;
 - (B) the opposite house sponsor of the legislation;
 - (C) the president of the Senate and speaker of the House; and
 - (D) the Senate minority leader and House minority leader; and
 - (iii) if the governmental entity or new agency fails to provide a performance review note within the required deadline, provide notice to those listed in Subsection (8)(c)(ii) that a performance note was requested from, but was not received from, the governmental entity that administers the new program or the new agency.
- (9) The legislative auditor general may use the performance note in its review of new programs and agencies under Utah Code Section 36-12-15.

JR4-2-405 Review of programs -- Failure to meet performance measures -- Revocation of program or appropriation.

- (1) Subject to the procedures and requirements of Utah Code Section 36-12-15, the legislative auditor general shall:
 - (a) review each new agency or new program that has been determined to be a new agency or new program that is subject to the requirements of JR4-2-404;
 - (b) if the legislation's performance note contained a performance note submitted by the governmental entity and an alternative performance note submitted by the sponsor of the legislation, review the new agency or new program under each of the performance note standards;
 - (c) make a determination as to whether each goal, proposed impact, and performance measure has been met or not met, and whether the new agency or new program has substantially met its goals and proposed impacts, and has provided adequate performance measures; and
 - (d) if authorized and prioritized by the Legislative Audit Subcommittee, perform a second, more in-depth review of a new agency or new program and revise or change the determination based upon the results of the in-depth review.
- (2)
 - (a) At least annually, the legislative auditor general shall provide the Executive Appropriations Committee with a report listing the new agencies and new programs reviewed, and for each new agency or program, a description of the review conducted and the determination made.
 - (b) If a governmental entity refuses to supply a required performance note or if the legislative auditor general makes a determination that a new agency or new program has not substantially met its goals, proposed impacts, or has not provided adequate performance measures, the legislative auditor general shall provide notice of the refusal or determination to:
 - (i) the new agency or the governmental entity that administers the new program;
 - (ii) the sponsor and opposite house sponsor of the legislation that was subject to the performance note requirements under JR4-2-404, or the president of the Senate or speaker

of the House, as appropriate, if the sponsor or opposite house sponsor is no longer serving as a legislator; and

- (iii) the chairs of the Executive Appropriations Committee.
- (3) Upon receipt of a report or notice issued under Subsection (2), the chairs of the Executive Appropriations Committee shall place the report or notice on the agenda for review and consideration at the next Executive Appropriations Committee meeting.
- (4) When considering a report or notice submitted under Subsection (2), the Executive Appropriations Committee may elect to:
 - (a) direct the Office of Legislative Research and General Counsel to prepare legislation that would repeal or modify a new agency or new program and:
 - (i) adopt the legislation as a committee bill; or
 - (ii) decline to adopt the legislation as a committee bill;
 - (b) recommend that the Legislature reduce or eliminate appropriations for a new agency or new program;
 - (c) take no action; or
 - (d) take another action that a majority of the committee approves.

Part 5

Numbering, Distribution, and Printing of Bills and Resolutions

JR4-2-501 Numbering and distributing bills and resolutions.

After receiving approval from the sponsor under JR4-2-301, the Office of Legislative Research and General Counsel shall:

- (1) proofread the legislation and perform other quality control measures;
- (2) indicate on the first page of the legislation that the drafting attorney has approved the legislation for filing;
- (3) place a committee or task force note on the legislation if required by JR4-2-401;
- (4) place a legislative review note on the legislation, if one is required by JR4-2-402;
- (5) assign a number to the legislation to appear after the designation required by JR4-1-202 and JR4-1-301;
- (6) electronically set the legislation's line numbers; and
- (7) distribute an electronic copy of the legislation as required by JR4-2-503.

JR4-2-502 Reservation of bill numbers.

- (1) In each annual general legislative session, House Bills 1 through the number of bill numbers specified under Subsection (2)(a) and Senate Bills 1 through the number of bill numbers specified under Subsection (2)(a) are reserved for other appropriations and funding bills.
- (2)
 - (a) By November 1, the Office of the Legislative Fiscal Analyst shall notify the Office of Legislative Research and General Counsel of the number of bill numbers to reserve in each house for fiscal legislation for the next annual general legislative session.
 - (b) The notice under Subsection (2)(a) shall include the short title and the chief sponsor of each bill number reserved.

- (3) To the extent practicable, each bill reserved under this section shall alternate the sponsoring chamber between the House and Senate each year.

JR4-2-503 Distribution of bills and resolutions and preparation for introduction.

- (1) After the Office of Legislative Research and General Counsel has numbered a piece of legislation, the office shall:
 - (a) provide an electronic copy of the legislation to the chief sponsor, the Office of Legislative Printing, and the Office of the Legislative Fiscal Analyst; and
 - (b) post a copy on the Internet.
- (2) After receiving a copy of the numbered bill from legislative printing, the docket clerk shall:
 - (a) create the official backed copy of the legislation; and
 - (b) notify the secretary of the Senate or the chief clerk of the House that the legislation is ready for introduction.

JR4-2-504 Printing bills and resolutions.

- (1) As provided in Senate or House Rules, legislation may be ordered printed in the number of copies considered necessary.
- (2) A sponsor may have copies of his legislation printed in the quantity that the sponsor considers necessary.
- (3) As provided in Senate or House Rules, legislation may be printed before receiving a committee note or fiscal note.

**Chapter 3
Requesting Appropriations**

**Part 1
Requesting Appropriations**

JR4-3-101 Request for appropriation.

- (1) A legislator wishing to obtain funding for a project, program, or entity that has not previously been funded, or to obtain additional or separate funding for a project, program, or entity, shall file a request for appropriation with the Office of the Legislative Fiscal Analyst.
- (2)
 - (a) Except as provided in Subsection (2)(b), a legislator may not file a request for appropriation with the Office of the Legislative Fiscal Analyst after noon on the 11th day of the annual general session.
 - (b) After the date established by this Subsection (2), a legislator may file a request for appropriation if:
 - (i) for a request by a House member, the representative makes a motion to file a request for appropriation and that motion is approved by a constitutional majority of the House; or
 - (ii) for a request by a senator, the senator makes a motion to file a request for appropriation and that motion is approved by a constitutional majority vote of the Senate.

- (3) The request shall designate:
- (a) the project, program, or entity to be funded;
 - (b) the source for the funding;
 - (c) the chief sponsor, who is knowledgeable about and responsible for providing pertinent information as the appropriation is processed;
 - (d) supporting legislators, if any, who wish to cosponsor the appropriation; and
 - (e) the appropriation subcommittee to which the sponsor wishes the request to be assigned, if any.

Part 2 Disposition of Requests for Appropriation

JR4-3-201 Review and action on requests for appropriation.

- (1)
- (a) The legislative fiscal analyst shall review each request for appropriation.
 - (b) If the request requires that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall immediately transfer the request to the Office of Legislative Research and General Counsel as a request for legislation.
 - (c) If the request does not require that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall number and title the request and refer the request to:
 - (i) the House chair of the Executive Appropriations Committee, if the sponsor is a House member; or
 - (ii) the Senate chair of the Executive Appropriations Committee, if the sponsor is a Senate member.
- (2) The House or Senate chair of the Executive Appropriations Committee shall refer the request to the appropriate joint appropriations subcommittee.
- (3) Each joint appropriations subcommittee that receives a request for appropriation shall:
- (a) allow the sponsor to present and discuss the request with the subcommittee;
 - (b) discuss the request; and
 - (c) do one of the following:
 - (i) include all or part of the requested appropriation in the budget recommendation made by the subcommittee to the Executive Appropriations Committee;
 - (ii) reject the request; or
 - (iii) recommend to the Executive Appropriations Committee that all or part of the requested appropriation be placed on a funding prioritization list as may be established by the Executive Appropriations Committee.

Chapter 4 Introduction and Consideration of Legislation

Part 1 Introduction and Consideration of Legislation

JR4-4-101 Introduction of legislation.

- (1) The secretary of the Senate or chief clerk of the House shall inform the presiding officer about legislation ready for introduction.
- (2) When directed to do so by the presiding officer, the reading clerk shall introduce the legislation by reading its number and short title, which constitutes the legislation's first reading.

JR4-4-102 Reference of legislation.

- (1) During an annual general or special session of the Legislature, after a piece of legislation has been introduced and read for the first time, it shall be referred to a committee or to the floor as provided in Senate or House Rules.
- (2) The secretary of the Senate and the chief clerk of the House or their designees shall deliver all legislation assigned to a committee to the chair of that committee or to that chair's designee.

JR4-4-103 Committee responsibilities.

- (1) Each standing committee shall:
 - (a) examine legislation referred to it;
 - (b) amend or substitute the legislation if necessary; and
 - (c) report the legislation back to the floor.
- (2) If legislation is referred to an interim committee, the interim committee may examine and recommend to the sponsor any changes to it that the committee considers necessary.

JR4-4-104 Floor action.

According to the procedures and requirements of Senate Rules and House Rules, each house shall consider legislation that is referred to it by a committee or that is otherwise in its possession.

JR4-4-105 Calendaring legislation -- Preference for legislation of other chamber.

During the third and fourth days of each week:

- (1) the Senate shall consider House legislation appearing on the Senate calendar; and
- (2) the House shall consider Senate legislation appearing on the House calendar.

JR4-4-106 Notice to other chamber that legislation has failed.

- (1) When a piece of legislation that passed the Senate is rejected by the House, the chief clerk of the House of Representatives shall transmit notice of the rejection to the Senate.
- (2) When a piece of legislation that passed the House is rejected by the Senate, the secretary of the Senate shall transmit notice of the rejection to the House.

JR4-4-107 Legislation transmitted to other house.

- (1) The secretary of the Senate or chief clerk of the House shall:
 - (a) transmit notice of passage on third reading to the other house;
 - (b) comply with the requirements of Subsection (2) if necessary; and
 - (c) if sent to the other house, enter the date of transmission in the journal.

- (2) The secretary of the Senate or chief clerk of the House shall, before transmitting a piece of legislation to the other house, ensure that, if the legislation passed with amendments or was substituted, the amendments or substitute are:
 - (a) retyped or reprinted in the typeface and on the color paper designated for each house; and
 - (b) transmitted with the legislation.

JR4-4-108 Consideration and action on amendments to legislation made in the other chamber.

- (1)
 - (a) If the Senate amends and passes, or substitutes and passes, a piece of House legislation, the House must either "concur" or "refuse to concur" in the amendments or substitute.
 - (b)
 - (i) If the House concurs, the legislation shall be voted on for final passage in the House.
 - (ii) If the legislation passes, the chief clerk of the House shall notify the Senate, obtain the signatures required by JR4-6-101, and send the legislation to the Office of Legislative Research and General Counsel for enrolling.
 - (c) If the House refuses to concur in the Senate amendments or substitute to a piece of House legislation, the chief clerk of the House and the House shall follow the procedures and requirements of Joint Rules Title 3, Chapter 2, Part 6, Conference Committees.
- (2)
 - (a) If the House amends and passes, or substitutes and passes, a piece of Senate legislation, the Senate must either "concur" or "refuse to concur" in the amendments or substitute.
 - (b)
 - (i) If the Senate concurs, the legislation shall be voted on for final passage in the Senate.
 - (ii) If the legislation passes, the secretary of the Senate shall notify the House, obtain the signatures required by JR4-6-101, and send the legislation to the Office of Legislative Research and General Counsel for enrolling.
 - (c) If the Senate refuses to concur in the House amendments or substitute to a piece of Senate legislation, the secretary of the Senate and the Senate shall follow the procedures and requirements of Joint Rules Title 3, Chapter 2, Part 6, Conference Committees.

JR4-4-109 Striking the enacting clause.

- (1)
 - (a)
 - (i) Either house may strike the enacting clause on any piece of legislation by following the procedures and requirements of Subsection (1)(a)(ii).
 - (ii) To strike an enacting clause, a legislator shall make a motion on the floor to strike the enacting clause and a majority of the members of that house must approve the motion.
 - (b) If the enacting clause of a piece of legislation is struck:
 - (i) the action conclusively defeats the legislation; and
 - (ii) a motion to reconsider the action is out of order.
- (2) The enacting clause of each piece of legislation that has not passed the Legislature before adjournment sine die of an annual general session or a special session is automatically stricken.

Part 2

Transmitting and Recording Receipt of Legislation and Notices from Other House

JR4-4-201 Transmittal letters.

The secretary of the Senate or the chief clerk of the House of Representatives shall:

- (1) attach a transmittal letter signed by the secretary or clerk to each piece of legislation to be transmitted to the opposite house; and
- (2) ensure that the piece of legislation, with its transmittal letter, is sent to the opposite house.

JR4-4-202 Memorializing formal receipt of legislation from other house.

- (1)
 - (a) Upon receipt of a transmittal letter from the Senate, the chief clerk of the House of Representatives or the clerk's designee shall sign a receipt recording the House's receipt of the legislation.
 - (b) Once the receipt is signed, the legislation is in the possession of the House.
- (2)
 - (a) Upon receipt of a transmittal letter from the House, the secretary of the Senate or the secretary's designee shall sign a receipt recording the Senate's receipt of the legislation.
 - (b) Once the receipt is signed, the legislation is in the possession of the Senate.

JR4-4-203 Possession of a bill -- Process for obtaining the return of legislation sent to the other house.

- (1) A piece of legislation is in the possession of the house in which it has been receipted.
- (2) A piece of legislation in the possession of one house may be returned to the other house only when:
 - (a) the house having possession of the legislation receives a written request from the opposite house requesting return of the legislation; and
 - (b) a majority of the house having possession of the legislation votes to return the legislation to the opposite house.

Chapter 5

Deadlines for Passage of Certain Bills

Part 1

Bills Containing Fiscal Notes

JR4-5-101 Deadline for passing certain fiscal note bills.

- (1)
 - (a) The House shall refer any Senate bill with a fiscal note of \$10,000 or more to the House Rules Committee before giving that bill a third reading.
 - (b) The Senate shall table on third reading each House bill with a fiscal note of \$10,000 or more.

- (2)
 - (a) Before adjourning on the 43rd day of the annual general session, each legislator shall prioritize fiscal note bills and identify other projects or programs for new or one-time funding according to the process established by leadership.
 - (b) Before adjourning on the 44th day of the annual general session, the Legislature shall either pass or defeat each bill with a fiscal note of \$10,000 or more except constitutional amendment resolutions.

Part 2 Appropriation Bills

JR4-5-201 Deadline for passing base budget bills.

- (1) Each legislator shall receive a copy of each base budget bill for the next fiscal year by calendared floor time on the first day of the annual general session.
- (2) By noon on the 16th day, but not before the third day, of the annual general session, the Legislature shall either pass or defeat each base budget bill.

JR4-5-202 Deadline for passing certain appropriations bills and school finance bills.

- (1) Each legislator shall receive a copy of any general appropriations bills, any supplemental appropriations bills, and any school finance bills by calendared floor time on the 42nd day of the annual general session.
- (2) Before the calendared closing time of the 43rd day of the annual general session, the Legislature shall either pass or defeat those general appropriations bills, supplemental appropriations bills, and school finance bills.

JR4-5-203 Deadline for passing the final appropriations bill.

- (1) Each legislator shall receive a copy of the final appropriations bill by calendared floor time on the 45th day of the annual general session.
- (2) By noon on the 45th day of the annual general session, the Legislature shall either pass or defeat the final appropriations bill.

Part 3 Bond Bills

JR4-5-301 Deadline for passing bond bills.

- (1) Each legislator shall receive a copy of any bond bill by noon on the 42nd day of the annual general session.
- (2) Before the calendared closing time of the 43rd day of the annual general session, the Legislature shall either pass or defeat each bond bill.

Chapter 6 Disposition of Legislation after Passage

Part 1 Certifying and Enrolling the Legislation

JR4-6-101 Certification and signature.

- (1)
- (a) When a piece of Senate legislation has passed both houses, the secretary of the Senate shall certify its final passage by identifying:
 - (i) the date that the legislation passed the Senate;
 - (ii) the number of senators voting for and against the legislation;
 - (iii) the number of senators absent for the vote;
 - (iv) the date that the legislation passed the House;
 - (v) the number of representatives voting for and against the legislation; and
 - (vi) the number of representatives absent for the vote.
 - (b) When a piece of House legislation has passed both houses, the chief clerk of the House shall certify its final passage by identifying:
 - (i) the date that the legislation passed the House;
 - (ii) the number of representatives voting for and against the legislation;
 - (iii) the number of representatives absent for the vote;
 - (iv) the date that the legislation passed the Senate;
 - (v) the number of senators voting for and against the legislation; and
 - (vi) the number of senators absent for the vote.
- (2)
- (a) Except as provided in Subsection (2)(b), within one legislative day of final passage, each piece of legislation shall be signed:
 - (i) first by the presiding officer of the house in which it was last voted upon; and
 - (ii) second, by the presiding officer of the other house.
 - (b) Within five days following the adjournment sine die of a legislative session, each piece of legislation passed on the final day of that legislative session shall be signed:
 - (i) first by the presiding officer of the house in which it was last voted upon; and
 - (ii) second, by the presiding officer of the other house.
 - (c) Unless the session has adjourned sine die, the secretary of the Senate or chief clerk of the House shall note in the journal that the legislation was signed by the presiding officer.

JR4-6-102 Enrollment and transmittal of legislation to the governor.

- (1)
- (a) After a piece of legislation that has passed both houses has been signed by the presiding officers, the secretary or chief clerk shall deliver it to the Office of Legislative Research and General Counsel.
 - (b) The Office of Legislative Research and General Counsel shall:
 - (i) examine and enroll the legislation;
 - (ii) correct any technical errors as provided by Utah Code Section 36-12-12; and

- (iii) transmit a copy of the enrolled legislation to:
 - (A) the secretary of the Senate for legislation originating in the Senate; and
 - (B) the chief clerk of the House for legislation originating in the House.
- (2) When enrolling the legislation, the Office of Legislative Research and General Counsel shall:
 - (a) include the name of the House floor sponsor for Senate legislation under the heading "House Sponsor:"; or
 - (b) include the name of the Senate floor sponsor for House legislation under the heading "Senate Sponsor:".
- (3) The secretary of the Senate or chief clerk of the House shall:
 - (a) certify each enrolled piece of legislation;
 - (b) ensure that a copy of the enrolled legislation is:
 - (i) transmitted to the governor;
 - (ii) filed with the secretary or chief clerk;
 - (iii) transmitted to the chief sponsor upon request; and
 - (iv) transmitted to the Office of Legislative Printing.

JR4-6-103 Legislative general counsel to correct certain technical errors.

The legislative general counsel may correct technical errors in the code in preparing the database for publication.

Part 2 Recalling Legislation After Passage

JR4-6-201 Recalling legislation before it is signed by the speaker and president.

Legislation in the possession of the other house or the Office of Legislative Research and General Counsel may be recalled by a motion and a constitutional majority vote from the members of both houses.

JR4-6-202 Recalling legislation from the governor.

When a bill has passed both houses of the Legislature, been signed by the presiding officers, been enrolled, and has been sent to the governor for his approval, it can be recalled only if:

- (1) a joint resolution requesting that the governor return the legislation is passed by a constitutional majority vote of both houses; and
- (2) the governor elects to return it.

Title JR5. Legislative Compensation and Expenses

Chapter 1 General Provisions

JR5-1-101 Definitions.

As used in this title:

- (1) "Authorized legislative day" means:
 - (a) a general session day, which includes any day during the period that begins on the day that the Legislature convenes in annual general session until midnight of the 45th day of the annual general session;
 - (b) a special session day;
 - (c) a veto override session day;
 - (d) an interim day designated by the Legislative Management Committee; or
 - (e) any other day that includes a meeting of a committee, subcommittee, commission, task force, or other legislative meeting, provided that:
 - (i) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;
 - (ii) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and
 - (iii) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.
- (2) "Authorized legislative training day" means a day, other than an authorized legislative day, for which the Legislative Expenses Oversight Committee approves the reimbursement of expenses for lodging, meals, or transportation for a legislator or legislator-elect to attend:
 - (a) chair training;
 - (b) an issue briefing;
 - (c) legislative leadership instruction;
 - (d) legislative process training;
 - (e) legislative rules training;
 - (f) new legislator orientation; or
 - (g) another meeting to brief, instruct, orient, or train a legislator or legislator-elect in furtherance of the legislator's or legislator-elect's official duties.
- (3) "Reimbursement" means money paid to compensate a legislator for money spent by the legislator in furtherance of the legislator's official duties.

JR5-1-102 Legislative Expenses Oversight Committee.

- (1) The presiding officer and the majority leader and minority leader of each house are the Legislative Expenses Oversight Committee for that house.
- (2) Each committee shall:
 - (a) establish procedures to implement the rules on legislative expenses, including establishing systems and procedures for the reimbursement of legislative expenses;
 - (b) ensure that procedures are established for the purpose of avoiding duplicate or improper payments or reimbursements; and
 - (c) meet at least annually, or at the request of a majority of the committee, to review legislative expenses and travel budgets.
- (3) Each committee may, for a calendar year, authorize:
 - (a) up to four authorized legislative training days for a legislator; and
 - (b) up to two additional authorized legislative training days for a:
 - (i) legislator-elect; or
 - (ii) legislator who is in the first year of office.

- (4) The presiding officer may authorize temporary emergency legislative expenses.

Chapter 2

Lodging, Meal, and Transportation Expenses

JR5-2-101 Reimbursement of lodging.

- (1) Subject to the other provisions of this section, if a legislator's official duties necessitate overnight accommodations, the legislator may receive reimbursement for any actual lodging expenses incurred by the legislator, not to exceed the daily rates published in the administrative rules governing reimbursement of lodging expenses for state employees, for an:
 - (a) authorized legislative day; or
 - (b) authorized legislative training day.
- (2) Reimbursement for actual lodging expenses for a legislator for an authorized legislative day or authorized legislative training day shall be as provided in procedures established by the Legislative Expenses Oversight Committee.

JR5-2-102 Reimbursement of meal expenses.

- (1) Subject to the other provisions of this section, a legislator may receive reimbursement for any actual meal expenses incurred by the legislator in association with the legislator's official duties, not to exceed the rates and subject to the time calculation requirements set in the administrative rules governing reimbursement of meal expenses for state employees for an:
 - (a) authorized legislative day; or
 - (b) authorized legislative training day.
- (2) Reimbursement for actual meal expenses for a legislator for an authorized legislative day or authorized legislative training day shall be as provided in procedures established by the Legislative Expenses Oversight Committee.

JR5-2-103 Reimbursement for transportation costs.

- (1) A legislator may receive reimbursement for any actual transportation costs incurred by the legislator in association with the legislator's official duties for an:
 - (a) authorized legislative day; or
 - (b) authorized legislative training day.
- (2) Transportation costs reimbursed under this section shall be equal to:
 - (a) for travel by private vehicle, the actual mileage incurred by the legislator for the legislator's private automobile use to and from the legislative meeting, to be paid in accordance with the private vehicle mileage reimbursement rate that is applied when daily pool fleet vehicles are unavailable, as published in the administrative rules governing reimbursement of transportation expenses for state employees;
 - (b) for public transportation:
 - (i) the actual cost of the transportation incurred by the legislator to and from the legislative meeting;
 - (ii) the private vehicle mileage actually incurred by the legislator to and from the terminus of the public transportation; and

- (iii) the cost of parking actually incurred by the legislator; or
- (c) for commercial transportation:
 - (i) the actual cost of the transportation, which shall be limited to coach or standard economy class, incurred by the legislator to and from the legislative meeting;
 - (ii) the private vehicle mileage actually incurred by the legislator to and from the terminus of the commercial transportation; and
 - (iii) the cost of parking actually incurred by the legislator.
- (3) Reimbursement for actual transportation costs incurred for a legislator for an authorized legislative day or an authorized legislative training day shall be as provided in procedures established by the Legislative Expenses Oversight Committee.

JR5-2-104 Verification -- Procedures.

A legislator shall provide a receipt or other similar supporting documentation for each cost or expense for which the legislator seeks reimbursement under this chapter.

JR5-2-105 Declining reimbursement and reduced reimbursement.

- (1) A legislator may decline to request or to receive reimbursement for any expense or cost that is reimbursable under this chapter.
- (2) A legislator may request and receive a partial or reduced reimbursement for any expense or cost that is reimbursable under this chapter.

Chapter 3 Legislator Compensation

JR5-3-101 Legislator compensation -- Expense reimbursement.

- (1) Except as provided under Subsection (2), a legislator shall receive daily compensation established in accordance with Utah Code Sections 36-2-2 and 36-2-3 for authorized legislative days as defined in Section JR5-1-101.
- (2) The Legislative Management Committee may authorize compensation and expense reimbursement, or expense reimbursement only, for a legislator who attends a meeting on an authorized legislative day as defined in JR5-1-101.

Chapter 4 Out-of-State Travel

JR5-4-101 Reimbursement for costs of out-of-state travel.

The following rules govern reimbursement for out-of-state travel by legislators:

- (1)
 - (a) Subject to Subsections (1)(b) and (1)(c), legislators shall receive reimbursement for all approved actual and necessary expenses.

- (b) The presiding officer, the majority leader, and the minority leader shall meet annually to establish a policy governing out-of-state travel, including the process for them to approve out of state travel and approve reimbursement of expenses for that travel as required under Utah Code Section 36-12-17.
 - (c) If a legislator elects to travel to an out-of-state destination by private automobile, the legislator shall receive actual mileage or the actual cost of alternative commercial transportation, whichever is less.
- (2) Each legislator shall provide supporting documentation for each expense for which the legislator seeks reimbursement.

Chapter 5 Communication Device Expenses

JR5-5-101 Reimbursement for communications device expenses.

- (1) The presiding officer, the majority leader, and the minority leader of each house of the Legislature may establish a policy governing reimbursement for expenses related to communications devices, which policy shall include:
- (a) the types of communications device expenses that will be reimbursed to legislators; and
 - (b) the process for reimbursement of communications device expenses.
- (2) A legislator may, pursuant to a policy adopted under Subsection (1), be reimbursed for use of a communications device that is:
- (a) owned by the legislator; and
 - (b) used by the legislator in the legislator's capacity as an employee of the Legislature.

JR5-5-102 Verification -- Procedures.

- (1) Each legislator shall provide supporting documentation for each cost or expense for which a legislator seeks reimbursement under this chapter.
- (2) The Legislative Expenses Oversight Committee shall ensure that procedures are established for the purpose of avoiding duplicate or improper reimbursements.

JR5-5-103 Declining reimbursement and reduced reimbursement.

- (1) A legislator may decline to request or receive reimbursement for any expense that is reimbursable under this chapter.
- (2) A legislator may request and receive a partial or reduced reimbursement for any expense that is reimbursable under this chapter.

Title JR6. Legislative Ethics and Adjudication of Ethics Complaints

Chapter 1 Ethics Requirements Governing Legislators

Part 1 Ethical Standards for Legislators

JR6-1-101 Legislative ethics.

- (1) The Utah Legislature consists of people who work part-time and must necessarily earn their living in other jobs and professions.
- (2) It is necessary to reconcile the functions of privately employed legislators who have their own private interests with the maintenance of high ethical standards and public confidence.
- (3) In seeking to balance these interests, it is necessary to avoid controls that might be so strict that they discourage capable and honorable persons from entering legislative service.
- (4) It is recognized that public confidence in the Legislature should be promoted and that competent members should serve in the Legislature even though most of them have private interests of various types.
- (5) It is also recognized that a citizen legislator is in a different position in doing business with the state and its political subdivisions than a public servant whose chief source of livelihood is derived from public funds.

JR6-1-102 Code of official conduct.

- (1) Each legislator shall comply with the guidelines established in Subsection (2).
- (2) In judging members of its house charged with an ethical violation, the Senate and House Ethics Committees shall consider whether or not the member has violated any of the following guidelines:
 - (a) Members of the Senate and House shall not engage in any employment or other activity that would destroy or impair their independence of judgment.
 - (b) Members of the Senate and House shall not be paid by a person, as defined in JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.
 - (c) Members of the Senate and House shall not exercise any undue influence on any governmental entity. "Undue influence" means deceit or threat of violence.
 - (d) Members of the Senate and House shall not engage in any activity that would be an abuse of official position or a violation of trust.
 - (e) Members of the Senate and House shall not use any nonpublic information obtained by reason of their official position to gain advantage over any business or professional competition for activities with the state and its political subdivisions.
 - (f) Members of the Senate and House shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official position.
 - (g) Members of the Senate and House shall not use their official position to secure privileges for themselves or others.
 - (h) While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter as provided in JR6-1-201.
 - (i) Members of the Senate and House may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties.
 - (j) Except as provided in Subsection (3), members of the Senate and the House may engage in business or professional activities with the state or its political subdivisions if the activities

are entered into under the same conditions and in the same manner applicable to any private citizen or company engaged in similar activities.

- (k) Legislators may enter into transactions with the state by contract by following the procedures and requirements of Utah Code Title 63G, Chapter 6a, Utah Procurement Code.
- (3)
- (a) As also required by Section 36-19-1, a legislator, member of the legislator's household, or client may not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator, unless the contract is let in compliance with state procurement policies and is open to the general public.
 - (b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that any person violating this section is guilty of a class B misdemeanor.

JR6-1-103 Receipt of campaign donations.

- (1) As used in this section:
- (a) "Campaign contribution" means cash or a negotiable instrument contributed for a political purpose to a campaigner.
 - (b) "Campaigner" means:
 - (i) a legislative office candidate;
 - (ii) an individual who holds a legislative office;
 - (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or (ii);
 - (iv) a political action committee controlled by a person described in Subsection (1)(b)(i) or (ii); or
 - (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through (iv).
 - (c) "Capitol hill" is as defined in Utah Code Section 36-5-1.
 - (d) "Indirect campaign contribution" means a campaign contribution that is delivered to a campaigner:
 - (i) when the campaigner is not present; or
 - (ii) via a third party or delivery service.
 - (e) "Political purpose" has the same meaning as "political purposes" as defined in Utah Code Section 20A-11-101.
- (2)
- (a) A campaigner may not accept receipt of a campaign contribution on capitol hill.
 - (b) A legislator who is in violation of this section is subject to an ethics complaint regardless of whether the violation occurred while the legislator was a legislative office holder or a legislative office candidate.
- (3) Notwithstanding Subsection (2), a campaigner shall not be considered to have accepted receipt of a campaign contribution if:
- (a) the campaign contribution is an indirect campaign contribution; and
 - (b) the campaigner promptly:
 - (i) returns the campaign contribution to the donor; or
 - (ii) refuses the campaign contribution in a written communication or other verifiable manner.

**Part 2
Conflicts of Interest**

JR6-1-201 Declaring and recording conflicts of interest -- Financial disclosure form.

- (1) As used in this section, "conflict of interest" means the same as that term is defined in Utah Code Section 20A-11-1602.
- (2) A legislator shall file a financial disclosure form in compliance with Utah Code Section 20A-11-1603 and according to the requirements of this section:
 - (a) on the first day of each general session of the Legislature; and
 - (b) each time the legislator changes employment.
- (3) The financial disclosure form shall include the disclosures required by Utah Code Title 20A, Chapter 11, Part 16, Financial Disclosures.
- (4)
 - (a) The financial disclosure form shall be filed with:
 - (i) the secretary of the Senate, for a legislator that is a senator; or
 - (ii) the chief clerk of the House of Representatives, for a legislator that is a representative.
 - (b) The secretary of the Senate and the chief clerk of the House of Representatives shall ensure that:
 - (i) blank financial disclosure forms are made available on the Internet and at the offices of the Senate and the House of Representatives; and
 - (ii) financial disclosure forms filed under this rule are made available to the public on the Internet and at the offices of the Senate or the House of Representatives.
- (5)
 - (a) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest which is not stated on the financial disclosure form, that legislator shall orally declare to the committee or body before which the matter is pending:
 - (i) that the legislator may have a conflict of interest; and
 - (ii) what that conflict is.
 - (b) The secretary of the Senate or the chief clerk of the House of Representatives shall:
 - (i) direct committee secretaries to note the declaration of conflict of interest in the minutes of any committee meeting; and
 - (ii) ensure that each declaration of conflict declared on the floor is noted in the Senate Journal or House Journal.
- (6) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.

JR6-1-202 Disclosure of outside remuneration.

- (1) As used in this section:
 - (a) "Person" includes an individual, partnership, association, organization, company, and bodies politic and corporate or a lobbyist from any of these.
 - (b) "Person" does not include a person who provides the legislator's primary source of income.
- (2) If any person provides remuneration to a legislator to compensate that legislator for a loss of salary or income while the Legislature is in session, that legislator shall file a written disclosure identifying:
 - (a) that the legislator receives remuneration; and
 - (b) the name of the person who provides the remuneration.
- (3)
 - (a) The legislator shall file the disclosure by February 1 of each year with:
 - (i) the secretary of the Senate, if the legislator is a senator; or

- (ii) the chief clerk of the House of Representatives, if the legislator is a representative.
- (b) This disclosure is available to the public.

Part 3 Ethics Training

JR6-1-301 Ethics training course -- Internet availability -- Content -- Participation tracking.

- (1) The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature.
- (2) The ethics training course shall include training materials and exercises that are available on the Internet to legislators and to the public.
- (3) The ethics training course shall be designed to assist legislators in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.
- (4) The ethics training course shall include provisions for verifying when a legislator has successfully completed key training exercises.
- (5) A legislator shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.

Chapter 2 House and Senate Ethics Committees and Independent Legislative Ethics Commission

Part 1 Membership, Meetings, and Staff

JR6-2-101 Ethics committees -- Membership.

- (1) There is established a Senate Ethics Committee and a House Ethics Committee.
- (2) The Senate Ethics Committee shall be composed of:
 - (a) the chair and three additional senators appointed by the president of the Senate; and
 - (b) the vice chair and three additional senators appointed by the Senate minority leader.
- (3) The House Ethics Committee shall be composed of:
 - (a) the chair and three additional representatives appointed by the speaker of the House of Representatives; and
 - (b) the vice chair and three additional representatives appointed by the House minority leader.
- (4) A committee member shall serve a two-year term.
- (5)
 - (a) If a member of an ethics committee is accused of wrongdoing in a complaint to be reviewed by the committee, or if a member of an ethics committee determines that he or she has a conflict of interest in relation to a complaint to be reviewed by the ethics committee, a member of the Senate or House shall be appointed to temporarily serve in that member's place while the complaint is under review as follows:

- (i) except as provided in Subsection (5)(a)(ii), the member shall be appointed by the person who appointed the member who is being temporarily replaced, consistent with Subsection (2), for a member of the Senate Ethics Committee, or Subsection (3), for the House Ethics Committee; or
- (ii) if the person designated to make the appointment under Subsection (5)(a)(i) is accused of wrongdoing in the complaint or determines that he or she has a conflict of interest in relation to the complaint, the appointment shall be made by:
 - (A) the Senate majority leader, if the person designated is the president of the Senate;
 - (B) the Senate minority whip, if the person designated is the Senate minority leader;
 - (C) the House majority leader, if the person designated is the speaker of the House; or
 - (D) the House minority whip, if the person designated is the House minority leader.
- (b) The temporary committee member's term ends when the committee has concluded its review of the complaint.

JR6-2-102 Ethics committee -- Meetings and staff.

- (1) The Senate and House Ethics Committees shall operate as both standing and interim committees.
- (2) The committees shall meet as necessary, either as called at:
 - (a) the discretion of the chair; or
 - (b) by a majority vote of the committee.
- (3) A majority of the committee is a quorum.
- (4) The staff of each committee consists of:
 - (a) the director of the Office of Legislative Research and General Counsel;
 - (b) the legislative general counsel; and
 - (c) any other staff designated by the director or the legislative general counsel.

JR6-2-103 Independent Legislative Ethics Commission -- Membership.

- (1) There is established an Independent Legislative Ethics Commission.
- (2) The commission is composed of five persons, each of whom is registered to vote in this state, appointed as follows:
 - (a) two members, who have served as judges of a court of record in this state, each of whom shall be nominated by the mutual consent of the president of the Senate and the speaker of the House, and appointed by a majority vote of the president of the Senate, speaker of the House, Senate minority leader, and House minority leader;
 - (b) one member, who has served as a judge of a court of record in this state, nominated by the mutual consent of the Senate minority leader and the House minority leader, and appointed by a majority vote of the president of the Senate, speaker of the House, Senate minority leader, and House minority leader;
 - (c) one member, who has served as a member of the Legislature in this state no more recently than four years before the date of appointment, appointed by the mutual consent of the president of the Senate and the speaker of the House of Representatives; and
 - (d) one member, who has served as a member of the Legislature in this state no more recently than four years before the date of appointment, appointed by the mutual consent of the Senate minority leader and House minority leader.
- (3) A member of the commission may not, during the member's term of office on the commission, act or serve as:

- (a) an officeholder as defined in Utah Code Section 20A-11-101;
 - (b) an agency head as defined in Utah Code Section 67-16-3;
 - (c) a lobbyist as defined in Utah Code Section 36-11-102; or
 - (d) a principal as defined in Utah Code Section 36-11-102.
- (4)
- (a)
 - (i) Except as provided in Subsection (4)(a)(ii), each member of the commission shall serve a four-year term.
 - (ii) When appointing the initial members upon formation of the commission, one member nominated by the president of the Senate and the speaker of the House of Representatives and one member nominated by the Senate minority leader and House minority leader shall be appointed to a two-year term so that approximately half of the commission is appointed every two years.
 - (b)
 - (i) When a vacancy occurs in the commission's membership for any reason, a replacement member shall be appointed for the unexpired term of the vacating member using the procedures and requirements of Subsection (2).
 - (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating member is not considered a full term.
 - (c) A member may not be appointed to serve for more than two full terms, whether those terms are two or four years.
 - (d) A member of the commission may resign from the commission by giving one month's written notice of the resignation to the president of the Senate, speaker of the House, Senate minority leader, and House minority leader.
 - (e) The chair of the Legislative Management Committee shall remove a member from the commission if the member:
 - (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;
 - (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral turpitude; or
 - (iii) fails to meet the qualifications of office as provided in this rule.
 - (f) If a commission member is accused of wrongdoing in a complaint, or if a commission member determines that he or she has a conflict of interest in relation to a complaint, a temporary commission member shall be appointed to serve in that member's place for the purposes of reviewing that complaint using the procedures and requirements of Subsection (2).
- (5)
- (a) A member of the commission may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties as allowed in:
 - (i) Utah Code Section 63A-3-106;
 - (ii) Utah Code Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Utah Code Sections 63A-3-106 and 63A-3-107.
 - (b) A member may decline to receive per diem and expenses for the member's service.
- (6)
- (a) The commission members shall convene a meeting annually each January and elect, by a majority vote, a commission chair from among the commission members.
 - (b) A person may not serve as chair for more than two consecutive years.

JR6-2-104 Independent Legislative Ethics Commission -- Meetings -- Staff.

- (1) The Independent Legislative Ethics Commission shall meet for the purpose of reviewing an ethics complaint when:
 - (a) except otherwise expressly provided in this title, called to meet at the discretion of the chair; or
 - (b) called to meet by a majority vote of the commission.
- (2) A majority of the commission is a quorum.
- (3)
 - (a) The commission shall prepare, on an annual basis, a summary data report that contains:
 - (i) a general description of the activities of the commission during the past year;
 - (ii) the number of ethics complaints filed with the commission;
 - (iii) the number of ethics complaints reviewed by the commission;
 - (iv) the number of complaints filed against a member of the House of Representatives;
 - (v) the number of complaints filed against a member of the Senate;
 - (vi) a summary description of any ethics complaints that were recommended by the commission for review by a Legislative ethics committee; and
 - (vii) an accounting of the commission's budget and expenditures.
 - (b) The summary data report shall be submitted to an appropriate committee of the Legislature on an annual basis.
 - (c) The summary data report shall be a public record.
- (4) The Senate and the House of Representatives shall employ staff for the commission at a level that is reasonable to assist the commission in performing its duties as established in this chapter.
- (5)
 - (a) The Legislative Management Committee shall:
 - (i) authorize each staff position for the commission; and
 - (ii) approve the employment of each staff member for the commission.
 - (b) Notwithstanding Subsection (5)(a), the commission may hire an individual without authorization from the Legislative Management Committee if:
 - (i) the individual is hired by a majority vote of the commission, which authorization, in order to preserve the confidentiality of the complaint, shall be discussed and voted upon in a closed meeting of the commission;
 - (ii) the individual is hired for the purpose of assisting the commission with organizing, reviewing, and marshaling facts and evidence raised in connection with a complaint filed with the commission;
 - (iii) the individual is hired on a temporary, contractual basis; and
 - (iv) the total amount payable under the contract for services does not exceed \$5,000.
 - (c) A contract issued under Subsection (5)(b) is a private record as provided in Utah Code Section 63G-2-302.
- (6) Staff for the commission shall work only for the commission and may not perform services for the Senate, House of Representatives, or other legislative offices.

**Part 2
General Powers and Procedures**

JR6-2-201 Authority to review complaint -- Grounds for complaint -- Limitations on filings.

- (1) Subject to the requirements of this chapter, the Senate Ethics Committee, the House Ethics Committee, and the Independent Legislative Ethics Commission are authorized to review an ethics complaint against a legislator if the complaint alleges:
 - (a) a violation of the code of official conduct as provided in JR6-1-102;
 - (b) a violation of JR6-1-103;
 - (c) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or
 - (d) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.
- (2)
 - (a) For an alleged violation under Subsection (1)(a), the complaint must be filed within two years of the date that the action or omission that forms the basis of the alleged violation occurred or within two years of the date that the action or omission would have been discovered by a reasonable person.
 - (b) For an alleged violation under Subsection (1)(c) or (d), the complaint shall be filed within two years of the date that the plea or conviction that forms the basis of the allegation was entered.
- (3)
 - (a) A complaint may not contain an allegation if that allegation and the general facts and circumstances supporting that allegation have been previously reviewed by the commission or an ethics committee unless:
 - (i) the allegation was previously reviewed by the commission and dismissed without being referred to an ethics committee for review;
 - (ii) the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the commission when the allegation was previously reviewed; and
 - (iii) the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission on one previous occasion.
 - (b) If an allegation in the complaint does not comply with the requirements of Subsection (3)(a), the allegation shall be summarily dismissed with prejudice by:
 - (i) the chair of the Independent Legislative Ethics Commission, when reviewing the complaint under JR6-4-101; or
 - (ii) the commission, when reviewing the complaint under JR6-4-201.

JR6-2-202 General powers -- Jurisdiction.

- (1) The commission and the committees have jurisdiction only over an individual who is currently serving in the Legislature.
- (2) The commission and the committees shall dismiss an ethics complaint if the respondent legislator resigns from the Legislature.

Part 3

General Provisions Governing Hearings on Ethics Complaint

JR6-2-301 General procedures for conducting a hearing on an ethics complaint.

- (1) In conducting a hearing on a complaint, the Independent Legislative Ethics Commission or the Senate or House Ethics Committee shall comply with the following process in the order specified:
 - (a) introduction and instructions for procedure and process, at the discretion of the chair;
 - (b) complainants' opening argument, to be presented by a complainant or complainants' counsel;
 - (c) complainants' presentation of evidence and witnesses in support of allegations in the complaint;
 - (d) consideration of motions to dismiss the complaint or motions for a directed verdict, as applicable;
 - (e) respondent's opening argument, to be presented by the respondent or respondent's counsel;
 - (f) respondent's presentation of evidence and witnesses refuting allegations in the complaint;
 - (g) presentation of rebuttal evidence and witnesses by the complainants, at the discretion of the chair;
 - (h) presentation of rebuttal evidence and witnesses by the respondent, at the discretion of the chair;
 - (i) complainants' closing argument, to be presented by a complainant or complainants' counsel;
 - (j) respondent's closing argument, to be presented by the respondent or respondent's counsel;
 - (k) deliberations by the commission or committee; and
 - (l) adoption of the commission's or committee's findings.
- (2) The commission or an ethics committee may, in extraordinary circumstances, vary the order contained in Subsection (1) by majority vote and by providing notice to the parties.
- (3) The chair may schedule the examination of a witness or evidence subpoenaed at the request of the chair or the committee under JR6-2-303 at the chair's discretion.

JR6-2-302 Chair as presiding judge.

- (1) Except as expressly provided otherwise in this title, the chair of the Independent Legislative Ethics Commission and the chair of the Senate or House Ethics Committee is vested with the power to direct the commission or committee during meetings authorized by this title.
- (2) Unless expressly prohibited from doing so under this title, the commission or committee may overrule a decision of the chair by using the following procedure:
 - (a) If a member objects to a decision of the chair, that member may appeal the decision by stating:
 - (i) "I appeal the decision of the chair."; and
 - (ii) the basis for the objection.
 - (b) This motion is nondebatable.
 - (c) The chair shall direct a roll call vote to determine if the commission or committee supports the decision of the chair.
 - (d) A majority vote of the commission or committee is necessary to overrule the decision of the chair.
- (3) The chair may set time limitations on any part of a meeting or hearing authorized by this title.

JR6-2-303 Subpoena powers.

- (1) For all proceedings authorized by this title, the Independent Legislative Ethics Commission or the Senate or House Ethics Committee may issue a subpoena to:
 - (a) require the attendance of a witness;
 - (b) direct the production of evidence; or

- (c) require both the attendance of a witness and the production of evidence.
- (2) The commission shall issue a subpoena under this rule:
 - (a) as required under JR6-2-305;
 - (b) at the direction of the commission chair, if the chair determines that the testimony or evidence is relevant to the review of a complaint under Chapter 4, Part 2, Review of Ethics Complaint by the Independent Legislative Ethics Commission; or
 - (c) upon a vote of a majority of the commission members.
- (3) An ethics committee shall issue a subpoena under this rule:
 - (a) as required under JR6-2-305;
 - (b) at the direction of the committee chair or vice chair, if the chair or vice chair determines that the testimony or evidence is relevant to review of a complaint under Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee; or
 - (c) upon a vote of a majority of the committee members.
- (4) The director of the Office of Legislative Research and General Counsel shall issue a subpoena on behalf of an ethics committee when requested to do so by one of the persons or entities authorized to do so under Subsection (3).

JR6-2-304 Contempt of the Legislature.

- (1)
 - (a) The following actions constitute contempt of the Legislature in relation to actions and proceedings under this title:
 - (i) disobedience to a direction of the commission chair;
 - (ii) disobedience to a direction of an ethics committee chair;
 - (iii) failure to answer a question during a hearing when directed to do so by:
 - (A) the commission chair, unless the direction is overridden by the commission under JR6-2-302;
 - (B) an ethics committee chair, unless the direction is overridden by the committee under JR6-2-302; or
 - (C) a majority of the commission or committee;
 - (iv) failure to comply with a subpoena or other order issued under authority of this title;
 - (v) violation of privacy provisions established by JR6-3-102;
 - (vi) violation of the communication provisions established by JR6-2-306;
 - (vii) violation of a request to comply with a provision of this title by a chair or a majority of the members of the commission or committee; or
 - (viii) any other ground that is specified in statute or recognized at common law.
 - (b) Because the purpose of the Fifth Amendment privilege not to incriminate oneself is to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's testimony relates.
- (2)
 - (a) The following persons may authorize an enforcement action against a person in contempt of the Legislature under the provisions of this title:
 - (i) the commission chair, subject to the provisions of JR6-2-302;
 - (ii) members of the commission, by means of a majority vote;
 - (iii) an ethics committee chair, subject to the provisions of JR6-2-302; or
 - (iv) members of an ethics committee, by means of a majority vote.

- (b) In initiating and pursuing an action against an individual for contempt of the Legislature, the plaintiff shall comply with the procedures and requirements of Utah Code Section 36-14-5.

JR6-2-305 Testimony and examination of witnesses -- Oath -- Procedure -- Contempt.

- (1)
 - (a) The chair shall ensure that each witness listed in the complaint and response is subpoenaed for appearance at the hearing unless:
 - (i) the witness is unable to be properly identified or located; or
 - (ii) service is otherwise determined to be impracticable.
 - (b) The chair shall determine the scheduling and order of witnesses and presentation of evidence.
 - (c) The commission or committee may, by majority vote:
 - (i) overrule the chair's decision not to subpoena a witness under Subsection (1)(a);
 - (ii) modify the chair's determination on the scheduling and order of witnesses under Subsection (1)(b);
 - (iii) decline to hear or call a witness that has been requested by the complainant or respondent;
 - (iv) decline to review or consider evidence submitted in relation to an ethics complaint; or
 - (v) request and subpoena witnesses or evidence according to the procedures of JR6-2-303.
- (2)
 - (a) Each witness shall testify under oath.
 - (b) The chair or the chair's designee shall administer the oath to each witness.
- (3) After the oath has been administered to the witness, the chair shall direct testimony as follows:
 - (a) allow the party that has called the witness, or that party's counsel, to question the witness;
 - (b) allow the opposing party, or that party's counsel, to cross-examine the witness;
 - (c) allow additional questioning by a party or a party's counsel as appropriate;
 - (d) give commission or committee members the opportunity to question the witness; and
 - (e) as appropriate, allow further examination of the witness by the commission or committee, or the parties or their counsel.
- (4)
 - (a) If the witness, a party, or a party's counsel objects to a question, the chair shall:
 - (i) direct the witness to answer; or
 - (ii) rule that the witness is not required to answer the question.
 - (b) If the witness declines to answer a question after the chair or a majority of the commission or committee determines that the witness is required to answer the question, the witness may be held in contempt as provided in JR6-2-304.
- (5)
 - (a) The chair or a majority of the members of the commission or committee may direct a witness to furnish any relevant evidence for consideration if the witness has brought the material voluntarily or has been required to bring it by subpoena.
 - (b) If the witness declines to provide evidence in response to a subpoena, the witness may be held in contempt as provided in JR6-2-304.

JR6-2-306 Communications of commission and committee members.

- (1) As used in this section, "third party" means:
 - (a) for a member of the Independent Legislative Ethics Commission, a person who is not a member of the commission or staff to the commission; or

- (b) for a member of an ethics committee, a person who is not a member of the committee or staff to the committee.
- (2) While a complaint is under review by the commission or an ethics committee, a member of that commission or committee may not initiate or consider any communications concerning the complaint with a third party unless:
 - (a) the communication is expressly permitted under the procedures established by this title; or
 - (b) the communication is made by the third party, in writing, simultaneously to:
 - (i) all members of the commission or committee; and
 - (ii) a staff member of the commission or committee.
- (3)
 - (a) While the commission is reviewing a complaint under this title, a commission member may communicate outside of the meetings, hearing, or deliberations with another member of, or staff to, the commission, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.
 - (b) While a committee is reviewing a complaint under this title, a committee member may communicate outside of the meeting, hearing, or deliberations with another member of, or staff to, the committee, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.
- (4) While a complaint is under review by an ethics committee, a member of the commission may not comment publicly or privately about the commission's decision, reasoning, or other matters relating to the ethics complaint, but may provide or refer a questioner to the commission's written recommendation.

JR6-2-307 Attorney fees and costs.

- (1) A person filing a complaint under this title:
 - (a) may, but is not required to, retain legal representation during the complaint review process; and
 - (b) is responsible for payment of complainants' attorney fees and costs incurred.
- (2)
 - (a) A legislator against whom a complaint is filed under this title:
 - (i) may, but is not required to, retain legal representation during the complaint review process; and
 - (ii) is responsible for that legislator's own attorney fees and costs involved, except as provided in Subsection (2)(b).
 - (b) The Senate, for a senator, or the House of Representatives, for a representative, shall pay the reasonable attorney fees and costs incurred by a legislator against whom a complaint is filed under this title if:
 - (i) the commission declines to recommend that any allegation in the complaint be reviewed by an ethics committee; or
 - (ii) an ethics committee determines that none of the allegations in the complaint that were recommended for review by the commission have been proved.
- (3)
 - (a) An attorney participating in a hearing before the commission or an ethics committee shall comply with:
 - (i) the rules of professional conduct established by the Utah Supreme Court;

- (ii) the procedures and requirements of this title; and
 - (iii) the directions of the chairs, commission, and ethics committees.
- (b) Violations of Subsection (3)(a) may constitute:
- (i) contempt of the Legislature under JR6-2-304; or
 - (ii) a violation of the rules of professional conduct subject to enforcement by the Utah State Bar.

Chapter 3

Filing a Complaint Alleging a Violation of Legislative Ethics

JR6-3-101 Ethics complaints -- Filing -- Form.

- (1)
- (a) The following individuals, who shall be referred to as the complainants, may file a complaint against an individual legislator if the complaint meets the requirements of JR6-2-201 and Subsection (1)(b):
 - (i) two or more members of the House of Representatives, for a complaint against a representative, provided that the complaint contains evidence or sworn testimony that:
 - (A) sets forth facts and circumstances supporting the alleged violation; and
 - (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence;
 - (ii) two or more members of the Senate, for a complaint against a senator, provided that the complaint contains evidence or sworn testimony that:
 - (A) sets forth facts and circumstances supporting the alleged violation; and
 - (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence; or
 - (iii) two or more registered voters currently residing within Utah, if, for each alleged violation pled in the complaint, at least one of those registered voters has actual knowledge of the facts and circumstances supporting the alleged violation.
 - (b) A complainant may file a complaint only against an individual who is serving as a member of the Legislature on the date that the complaint is filed.
- (2)
- (a) Complainants shall file a complaint with the chair of the Independent Legislative Ethics Commission.
 - (b) Except as provided in Subsection (2)(c), an individual may not file a complaint during the 60 calendar days immediately preceding:
 - (i) a regular primary election, if the accused legislator is a candidate in the primary election; or
 - (ii) a regular general election in which the accused legislator is a candidate, unless the accused legislator is unopposed in the election.
 - (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the time frame provided in that subsection if:
 - (i) the complaint includes evidence that the subject of the complaint has been convicted of, plead guilty to, entered a plea of no contest to, or entered a plea in abeyance to a crime of moral turpitude; and
 - (ii) the crime of moral turpitude is one of the allegations contained in the complaint.

- (3) The complainants shall ensure that each complaint filed under this rule is in writing and contains the following information:
- (a) the name and position or title of the legislator alleged to be in violation, who shall be referred to as the respondent;
 - (b) the name, address, and telephone number of each individual who is filing the complaint;
 - (c) a description of each alleged violation, including for each alleged violation:
 - (i) a reference to:
 - (A) the section of the code of conduct alleged to have been violated; or
 - (B) the criminal provision violated and the docket number of the case involving the legislator;
 - (ii) the name of the complainant or complainants who have actual knowledge of the facts and circumstances supporting each allegation;
 - (iii) the facts and circumstances supporting each allegation, which shall be provided by:
 - (A) copies of official records or documentary evidence; or
 - (B) one or more affidavits, each of which shall comply with the following format:
 - (I) the name, address, and telephone number of the signer;
 - (II) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (III) the facts and circumstances testified to by the signer;
 - (IV) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - (V) the signature of the signer;
 - (d) a list of the witnesses that the complainants wish to have called, including for each witness:
 - (i) the name, address, and, if available, one or more telephone numbers of the witness;
 - (ii) a brief summary of the testimony to be provided by the witness; and
 - (iii) a specific description of any documents or evidence complainants desire the witness to produce;
 - (e) a statement that each complainant:
 - (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
 - (ii) believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's reputation, or causing unnecessary expenditure of public funds; and
 - (iii) believes the allegations contained in the complaint to be true and accurate; and
 - (f) the signature of each complainant.

JR6-3-102 Privacy of ethics complaints -- Contempt -- Enforcement of finding of contempt -- Dismissal.

- (1)
- (a) Except as provided in Subsection (1)(b) or (c), a person, including the complainants, the respondent, commission members, a committee chair or vice chair, or staff to the commission or a committee, may not disclose the existence of a complaint, a response, nor any information concerning any alleged violation that is the subject of a complaint.
 - (b) The restrictions in Subsection (1)(a) do not apply to:
 - (i) a complaint or response that is publicly released by the commission and referred to an ethics committee for review under the procedures and requirements of JR6-4-204, and the allegations contained in the publicly released complaint or response; or

- (ii) the respondent's voluntary disclosure of a finding by the commission that no allegations in a complaint were proved, after that finding is issued by the commission under the procedures and requirements of JR6-4-204.
- (c) Nothing in this rule prevents a person from disclosing facts or allegations about potential criminal violations to law enforcement authorities.
- (2) A person who violates the provisions of Subsection (1)(a) is in contempt of the Legislature and proceedings may be initiated to enforce the finding of contempt using the procedures provided in JR6-2-304 and Utah Code Section 36-14-5.
- (3) Except as provided in JR6-4-101(3), if the identity of the legislator who is the subject of an ethics complaint or the identity of the filer of an ethics complaint is publicly disclosed during the period that the Independent Legislative Ethics Commission is reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

Chapter 4 Procedures for Reviewing Ethics Complaints

Part 1 Initial Review of Ethics Complaint and Response

JR6-4-101 Review of ethics complaint for compliance with form requirements -- Independent requirements for complaint -- Notice.

- (1) Within five business days after receipt of a complaint, the staff of the Independent Legislative Ethics Commission, in consultation with the chair of the commission, shall examine the complaint to determine if it is in compliance with JR6-2-201 or JR6-3-101.
- (2)
 - (a) If the chair determines that the complaint does not comply with JR6-2-201 or JR6-3-101, the chair shall:
 - (i) return the complaint to the first complainant named on the complaint with:
 - (A) a statement detailing the reason for the non-compliance; and
 - (B) a copy of the applicable legislative rules; and
 - (ii) notify the president of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a representative, that:
 - (A) a complaint was filed against a member of the Senate or House, respectively, but was returned for non-compliance with legislative rule; and
 - (B) the fact that a complaint was filed and returned shall be kept confidential until the commission submits its annual summary data report as required by JR6-2-104.
 - (b) If a complaint is returned for non-compliance with the requirements of this title, the complainants may file another complaint if the new complaint independently meets the requirements of JR6-3-101, including any requirements for timely filing.
- (3) If the chair determines that the complaint complies with the requirements of this rule, the chair shall:
 - (a) accept the complaint;

- (b) notify the president of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a representative:
 - (i) that a complaint has been filed against a member of the Senate or House, respectively;
 - (ii) of the identity of the legislator who is the subject of the complaint and the identity of the person or persons filing the complaint;
 - (iii) of the nature of the allegations contained in the complaint; and
 - (iv) that the fact that a complaint was filed, the nature of the allegations raised in the complaint, and the identity of the legislator and the complainants shall be kept confidential until the commission publicly discloses the existence of the complaint via:
 - (A) a recommendation that an allegation in the complaint be heard by a legislative ethics committee; or
 - (B) submission of the commission's annual summary data report as required by JR6-2-104;
- (c) notify each member of the Independent Legislative Ethics Commission that the complaint has been filed and accepted and that the existence of and contents of the complaint and the identities of the parties shall be kept confidential; and
- (d) promptly forward the complaint to the legislator who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with:
 - (i) notice that the existence of and contents of the complaint, and the identities of the parties, are confidential and should not be publicly disclosed;
 - (ii) a copy of the applicable legislative rules; and
 - (iii) notice of the legislator's deadline for filing a response to the complaint.

JR6-4-102 Meeting of the Independent Legislative Ethics Commission for review of complaint -- Procedures.

By no later than 10 calendar days after the day on which the complaint is accepted under JR6-4-101, the commission chair shall:

- (1) schedule a commission meeting on a date no later than 60 calendar days after the date on which the committee chair and vice chair accept the complaint;
- (2) place the complaint on the agenda for consideration at that meeting;
- (3) provide notice of the date, time, and location of the meeting to:
 - (a) the members of the commission;
 - (b) the first complainant named in the complaint; and
 - (c) the respondent; and
- (4) provide a copy of the complaint to each member of the commission.

JR6-4-103 Response to ethics complaint -- Filing -- Form.

- (1) The legislator that is the subject of the complaint may file a response to the complaint no later than 30 days after the day on which the legislator receives delivery of the complaint.
- (2) The respondent shall file the response with the commission and shall ensure that the response is in writing and contains the following information:
 - (a) the name, address, and telephone number of the respondent;
 - (b) for each alleged violation in the complaint:
 - (i) each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the

defense to be provided by one or more affidavits, each of which shall comply with the following format:

- (A) the name, address, and telephone number of the signer;
 - (B) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (C) the facts and circumstances testified to by the signer;
 - (D) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - (E) the signature of the signer;
- (ii) the facts and circumstances refuting the allegation, which shall be provided by:
- (A) copies of official records or documentary evidence; or
 - (B) one or more affidavits, each of which shall comply with the following format:
 - (I) the name, address, and telephone number of the signer;
 - (II) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (III) the facts and circumstances testified to by the signer;
 - (IV) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - (V) the signature of the signer;
- (c) a list of the witnesses that the respondent wishes to have called, including for each witness:
- (i) the name, address, and, if available, telephone number of the witness;
 - (ii) a brief summary of the testimony to be provided by the witness; and
 - (iii) a specific description of any documents or evidence the respondent desires the witness to produce;
- (d) a statement that the respondent:
- (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and
 - (ii) believes the contents of the response to be true and accurate; and
- (e) the signature of the respondent.
- (3) Promptly after receiving the response, the commission shall provide copies of the response to:
- (a) each member of the commission; and
 - (b) the first named complainant on the complaint.

Part 2

Review of Ethics Complaint by the Independent Legislative Ethics Commission

JR6-4-201 Review of ethics complaint by the Independent Legislative Ethics Commission.

- (1) The scope of the Independent Legislative Ethics Commission's review is limited to the alleged violations stated in the complaint.
- (2)
 - (a) Before holding the meeting for review of the complaint, the commission chair may schedule a separate meeting of the commission for the purposes of:
 - (i) hearing motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures;

- (ii) holding a vote of the commission, with or without the attendance of the parties, on procedural or commission business matters relating to a complaint; or
 - (iii) reviewing a complaint, with or without the attendance of the parties, to determine if the complaint should be dismissed in whole or in part, by means of a majority vote of the commission, because it pleads facts or circumstances against a legislator that have already been reviewed by the commission or an ethics committee as provided in JR6-2-201.
- (b) Notwithstanding JR6-4-102, the commission may, by a majority vote, change the date of the meeting for review of the complaint in order to accommodate:
 - (i) a meeting authorized under Subsection (2)(a); or
 - (ii) necessary scheduling requirements.
- (3)
 - (a) The commission shall comply with the Utah Rules of Evidence except where the commission determines, by majority vote, that a rule is not compatible with the requirements of this title.
 - (b) The chair shall make rulings on admissibility of evidence consistent with the provisions of JR6-2-302.
- (4)
 - (a) All meetings and hearings authorized in this part are closed to the public.
 - (b) The following individuals may be present during the presentation of testimony and evidence to the commission:
 - (i) the complainants, except that no more than three complainants may be present at one time;
 - (ii) complainants' counsel, if applicable;
 - (iii) the respondent;
 - (iv) the respondent's counsel, if applicable;
 - (v) members of the commission;
 - (vi) staff to the commission;
 - (vii) a witness, while testifying before the commission; and
 - (viii) necessary security personnel.
 - (c) The complainants, respondent, and their respective counsel may be excluded from a portion of the meeting when the commission discusses administrative, procedural, legal, or evidentiary issues by:
 - (i) the order of the chair, subject to override as provided in JR6-2-302; or
 - (ii) a majority vote of the commission.
 - (d) When the commission deliberates at the conclusion of presentation of testimony and evidence, the commission shall ensure that those deliberations are closed to all persons except for the members of the commission and commission staff.
- (5) If a majority of the commission determines that a continuance is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of commission members, witnesses, or a party, the commission shall:
 - (a) adjourn and continue the meeting to a future date and time after notice to the parties; and
 - (b) establish that future date and time by majority vote.

JR6-4-202 Record -- Recording of meetings.

- (1)
 - (a) Except as provided in Subsection (1)(b), an individual may not use a camera or other recording device in any meeting authorized by this part.
 - (b)

- (i) The commission shall keep an audio or video recording of all portions of each meeting authorized by this part.
 - (ii) If the commission elects, by a majority vote, to release the commission's recommendation in a public meeting, the meeting may, upon a majority vote of the commission, be opened to cameras or other recording devices.
- (2) In addition to the recording required in Subsection (1), the chair shall ensure that a record of the meeting or hearing is made, which shall include:
- (a) official minutes taken during the meeting or hearing, if any;
 - (b) copies of all documents or other items admitted into evidence by the commission;
 - (c) copies of any documents or written orders or rulings issued by the chair or the commission; and
 - (d) any other information that a majority of the commission or the chair directs.
- (3) Except for the recommendation prepared by the commission, which shall be either a private or public record as determined in JR6-4-204, any recording, testimony, evidence, or other record of a meeting authorized by this part is a private record under Utah Code Section 63G-2-302 and may not be disclosed.

JR6-4-203 Process for making a decision -- Deliberations.

- (1) After each party has presented a closing argument, the commission shall, at the direction of the chair, begin its private deliberations:
- (a) immediately after conclusion of the closing arguments; or
 - (b) at a future meeting of the commission, on a date and time determined by a majority of the members of the commission.
- (2)
- (a) The chair of the commission shall conduct the deliberations.
 - (b) Upon a motion made by a commission member, the commission may exclude commission staff from all or a portion of the deliberations by a majority vote of the commission.
- (3)
- (a) During deliberations, for each allegation reviewed by the commission, each member shall determine and cast a vote stating whether the allegation is:
 - (i) proven by a preponderance of the evidence; or
 - (ii) not proven.
 - (b) A verbal roll call vote shall be taken on each allegation and each member's vote shall be recorded.
- (4)
- (a) A count is not considered to be proven unless four of the five members of the commission vote that the count is proven.
 - (b) A count that is not considered to be proven is dismissed.
 - (c)
 - (i) Before the commission issues its recommendation under JR6-4-204, the commission may, upon a majority vote, reconsider and hold a new vote on an allegation.
 - (ii) A motion to reconsider a vote may only be made by a member of the commission who voted that the allegation was not proved.
- (5) At the conclusion of deliberations, the commission shall prepare its recommendations as provided in JR6-4-204.

JR6-4-204 Recommendations of commission.

- (1) If the commission determines that no allegations in the complaint were proved, the commission shall:
 - (a) issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
 - (b) classify all recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this part as private records under Utah Code Section 63G-2-302;
 - (c) provide notice of the determination, in a manner determined by a majority vote of the commission, to:
 - (i) the respondent; and
 - (ii) the first complainant named on the complaint; and
 - (d) provide notice to each person named in Subsection (1)(c) that, under the provisions of JR6-3-102 and other provisions of this title, a person who discloses the findings of the commission in violation of any provision of this chapter is in contempt of the Legislature and is subject to penalties for contempt.
- (2) If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:
 - (a) if one or more allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations;
 - (b) prepare a written recommendation to the Senate Ethics Committee, if the respondent is a senator, or to the House Ethics Committee, if the respondent is a representative, that:
 - (i) lists the name of each complainant;
 - (ii) lists the name of the respondent;
 - (iii) states the date of the recommendation;
 - (iv) for each allegation that was found to be proven:
 - (A) provides a reference to the code of conduct or criminal provision allegedly violated;
 - (B) states the number and names of commission members voting that the allegation was proved and the number and names of commission members voting that the allegation was not proved;
 - (C) at the option of those members voting that the allegation was proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses; and
 - (D) at the option of those members voting that the allegation was not proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was not proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses;
 - (v) contains any general statement that is adopted for inclusion in the recommendation by a majority of the members of the commission;
 - (vi) contains a statement referring the allegations found to have been proved to the appropriate ethics committee for review;
 - (vii) states the name of each member of the commission; and
 - (viii) is signed by each commission member;
- (c) direct staff to publicly release the recommendation, the complaint, and the response, subject to the redaction of any allegations that were dismissed by the commission; and

- (d) classify all other recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings and hearings authorized by this part as private records under Utah Code Section 63G-2-302.
- (3) The commission shall ensure that a copy of the recommendation is made publicly available and promptly provided to:
 - (a) the respondent, together with notice that the respondent may amend the respondent's witness list as provided in JR6-4-301;
 - (b) the first complainant named on the complaint, together with notice that the complainants may amend their witness list as provided in JR6-4-301; and
 - (c) the chair and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a representative.
- (4) The commission shall ensure that, within five business days of the date of issuance of the recommendation:
 - (a) the complaint and the response are redacted to remove references to those allegations found not to have been proven by the commission, if one or more allegations were found not to have been proven; and
 - (b) the following documents are made publicly available and are provided to the chair and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a representative:
 - (i) a cover letter referring the allegations contained in the edited complaint to the ethics committee for the committee's review;
 - (ii) a copy of the edited complaint;
 - (iii) a copy of the edited response; and
 - (iv) a copy of the recommendation.

Part 3

Review of Ethics Complaint by Ethics Committee

JR6-4-301 Receipt of recommendation from Independent Legislative Ethics Commission -- Scheduling of Ethics Committee hearing -- Amendments.

- (1) Within five calendar days of the date that the chair of the Senate Ethics or House Ethics Committee receives the commission's recommendation as provided under JR6-4-204, the chair and vice chair of the committee shall:
 - (a) schedule a committee hearing to review the complaint on a date no later than 30 days after the day on which the committee receives the recommendation; and
 - (b) place the ethics complaint on the agenda for consideration at that hearing.
- (2)
 - (a) The complainants may not amend the complaint.
 - (b) The respondent may not amend the response.
 - (c) The complainant and respondent may file with the committee, within 10 days of the date of issuance of the commission's recommendations, an amended list of witnesses and evidence that they wish to have subpoenaed by the committee.

JR6-4-302 Review of ethics complaint by Ethics Committee.

- (1) The scope of the committee's review is limited to the alleged violations found to have been proven by the commission, as pled in the edited complaint and the edited response provided by the commission.
- (2)
 - (a) Before holding the hearing for review of the complaint as scheduled in JR6-4-301, the chair may schedule a separate meeting of the committee to:
 - (i) hear motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures; or
 - (ii) hold a vote of the committee, with or without the attendance of the parties, on procedural or committee business matters relating to a complaint.
 - (b) Notwithstanding JR6-4-301, the committee may, by a majority vote, change the date of the hearing scheduled in JR6-4-301 in order to accommodate:
 - (i) a meeting authorized under Subsection (2)(a); or
 - (ii) necessary scheduling requirements.
- (3)
 - (a) The committee shall comply with the Utah Rules of Evidence, except where the committee determines, by majority vote, that a rule is not compatible with the requirements of this title.
 - (b) The chair shall make rulings on admissibility of evidence consistent with the provisions of JR6-4-202.
- (4)
 - (a) A meeting or hearing held under this Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee:
 - (i) is subject to the requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act; and
 - (ii) may be closed by a majority vote of the committee, held in the public portion of the meeting, for:
 - (A) any purpose permitted under Utah Code Section 52-4-205;
 - (B) the purpose of discussing legal, evidentiary, or procedural matters with the committee or staff; or
 - (C) deliberations, as provided in JR6-4-304.
 - (b) Only committee members, committee staff, and necessary security personnel may attend a closed meeting.
- (5) If a majority of the committee determines that a continuance of a meeting or hearing is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of committee members, witnesses, or a party, the chair or committee shall:
 - (a) adjourn and continue the hearing or meeting to a future date and time; and
 - (b) establish that future date and time by majority vote.

JR6-4-303 Record -- Recording of meetings.

- (1)
 - (a) Except as provided in Subsection (1)(b), an individual may not use a camera or other recording device in any meeting authorized by this part.
 - (b)
 - (i) The committee shall keep an audio or video recording of all portions of each meeting authorized by this part.

- (ii) If the committee elects, by a majority vote, to release the committee's finding and order in a public meeting, that meeting may, upon a majority vote of the committee, be opened to cameras or other recording devices.
- (2) In addition to the recording required in Subsection (1), the chair shall ensure that a record of each hearing or meeting is made, which shall include:
 - (a) official minutes taken during the meeting or hearing, if any;
 - (b) copies of all documents or other items admitted into evidence;
 - (c) copies of any documents, written orders, or written rulings issued by the chair or the committee; and
 - (d) any other information that a majority of the committee or the chair directs.
- (3)
 - (a) Except as provided in Subsection (3)(b), all recordings, testimony, evidence, and other records of meetings and hearings authorized by this part are public records.
 - (b) All recordings, minutes, and other records produced during a closed meeting authorized under this part are classified as private records under Utah Code Section 63G-2-302.

JR6-4-304 Process for making a decision -- Deliberations -- Voting in public meeting.

- (1) After each party has presented a closing argument, the committee shall deliberate in a closed meeting:
 - (a) immediately after conclusion of the closing arguments; or
 - (b) at a future meeting of the committee, on a date and time determined by a majority of the members of the committee.
- (2) The chair of the committee shall conduct the deliberations.
- (3) During the deliberations, committee members may:
 - (a) discuss evidence and testimony;
 - (b) discuss and debate whether an allegation was proven or not proven;
 - (c) discuss and debate what actions should be taken or not taken against the respondent in relation to each allegation;
 - (d) discuss and debate any other matter related to the allegations in the complaint that is before the committee; and
 - (e) conduct, at the call of the chair or a majority of the members of the committee, a non-binding straw poll on any matter related to the complaint.
- (4)
 - (a) Notwithstanding JR6-2-306, and except as provided in Subsection (4)(b), from the time of completion of closing arguments through the time that the written finding and order are publicly issued, a committee member may not discuss any of the following matters with any other person outside of official committee deliberations:
 - (i) the substance or specifics of the allegations, testimony, or evidence of the complaint under review;
 - (ii) a committee member's intended vote;
 - (iii) a committee member's recommendation for actions to be taken or not taken against the respondent in relation to the complaint; or
 - (iv) any other non-administrative matter related to the complaint.
 - (b) During deliberations, committee members may privately consult with staff for the purpose of discussing legal, evidentiary, or procedural matters.
- (5) Deliberations shall continue until they are concluded or continued to another date and time:
 - (a) at the direction of the chair, subject to JR6-2-302; or

- (b) upon a motion approved by a majority of the committee members.

JR6-4-305 Vote on allegations and recommendations -- Public meeting -- Standards -- Reconsideration.

- (1) After conclusion of the deliberations, the committee shall meet in public and, for each allegation reviewed by the committee, vote on whether the allegation is:
 - (a) proven by clear and convincing evidence; or
 - (b) not proven.
- (2) For any count that has been voted as proven, the committee shall, by a motion approved by a majority of the members of the committee, recommend one or more of the following actions:
 - (a) censure;
 - (b) expulsion;
 - (c) denial or limitation of any right, power, or privilege of the respondent, if, under the Utah Constitution, the Senate or House may impose that denial or limitation, and if the violation bears upon the exercise or holding of any right, power, or privilege; or
 - (d) any other action that the committee determines is appropriate.
- (3) Votes shall be taken by verbal roll call and each member's vote shall be recorded.
- (4) A count is not considered to be proven unless a majority of the committee votes that the count is proven.
- (5) The committee, by a motion for reconsideration that is approved by a majority of the committee, may reconsider and hold a new vote provided that:
 - (a) a motion to reconsider a vote on whether an allegation was proven or not proven may only be made by a member of the committee who voted that the allegation was not proven; and
 - (b) a motion to reconsider a vote recommending an action against the respondent may only be made by a member of the committee who voted against the recommendation.
- (6) A count that is not voted as "proven" by a majority of the members of the committee is dismissed.
- (7) The committee may close the meeting for the purposes of further deliberations, subject to the requirements of JR6-4-304:
 - (a) at the direction of the chair, subject to override by the committee as provided in JR6-2-302; or
 - (b) upon a motion approved by a majority of the members of the committee.
- (8) After a final vote has been cast on each allegation and recommendation, the committee shall prepare the finding and order as provided in JR6-4-306.

JR6-4-306 Finding and order.

- (1)
 - (a) If the committee determines that no allegations in the complaint were proved, the committee shall prepare a finding and order that:
 - (i) lists the name of each complainant;
 - (ii) lists the name of the respondent;
 - (iii) states the date of the finding and order;
 - (iv) for each allegation contained in the complaint:
 - (A) provides a reference to the code of conduct or criminal provision alleged to have been violated; and

- (B) states the number and names of committee members voting that the allegation was proved and the number and names of committee members voting that the allegation was not proved;
 - (v) order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
 - (vi) provide any general statement that is adopted for inclusion in the recommendation by a majority of the committee members; and
 - (vii) states the name of each committee member.
- (b) Each committee member shall sign the finding and order.
- (2)
- (a) If the committee determines that one or more allegations in the complaint were proved, the committee shall issue a finding and order that:
 - (i) lists the name of each complainant;
 - (ii) lists the name of the respondent;
 - (iii) states the date of the finding and order;
 - (iv) for each allegation contained in the complaint:
 - (A) provides a reference to the code of conduct or criminal provision alleged to have been violated;
 - (B) states the number and names of committee members voting that the allegation was proved and the number and names of committee members voting that the allegation was not proved;
 - (C) if the allegation was not found to have been proven, orders that the allegation be dismissed; and
 - (D) if the allegation was found to have been proven, contains:
 - (I) a description of any actions that the committee recommended be taken;
 - (II) the number and names of committee members voting in favor of each recommendation and the number and names of committee members voting against each recommendation;
 - (III) at the option of those members voting in favor of a recommendation, a statement by one or all of those members stating the reasons for making the recommendation; and
 - (IV) at the option of those members against a recommendation, a statement by one or all of those members stating the reasons for opposing the recommendation;
 - (v) contains any general statement that is adopted for inclusion in the finding and order by a majority of the committee members;
 - (vi) contains a statement directing that the finding be delivered to:
 - (A) for the Senate Ethics Committee, to the president of the Senate, the Senate majority leader, and the Senate minority leader; or
 - (B) for the House Ethics Committee, to the speaker of the House of Representatives, the House majority leader, and the House minority leader; and
 - (vii) states the name of each committee member.
- (b) Each committee member shall sign the finding and order.
- (3) A copy of the finding and order shall be made publicly available.
- (4) A written copy of the finding and order shall be provided to:
- (a) the respondent;
 - (b) the first complainant named on the complaint; and
 - (c) any individuals required to receive a copy as stated in the finding and order.

Chapter 5

Action by Senate or House on Ethics Committee Recommendation

JR6-5-101 Senate and House action.

- (1) The Senate or House shall:
 - (a) consider the recommendations of the ethics committee; and
 - (b) by a majority vote of that house, either accept, dismiss, or alter these recommendations.
- (2) If the committee recommends expulsion of a senator or representative, acceptance of this recommendation requires a two-thirds vote of all the members elected to the Senate or to the House.

Chapter 6

Communications with Other Branches of Government

JR6-6-101 Communications with the judiciary.

- (1) As used in this section, "final decision or order" means a decision or order that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.
- (2)
 - (a) A legislator may not communicate, either verbally or in writing, with a judge in reference to a particular judicial case or proceeding until a final decision or order has been made on the matter.
 - (b) Inquiries to the judiciary that are merely technical or logistical in nature should be made with the Administrative Office of the Courts or a clerk of the court.

JR6-6-102 Exceptions -- Acting in normal course of private employment.

The restrictions in this chapter shall not apply to a communication that a legislator makes with the judiciary in the normal course of the legislator's private employment, provided that the legislator does not use his or her status as a legislator in an attempt to unduly influence the judiciary.