

Part 2 Independent Executive Branch Ethics Commission

63A-14-201 Title.

This part is known as "Independent Executive Branch Ethics Commission."

Enacted by Chapter 426, 2013 General Session

63A-14-202 Independent Executive Branch Ethics Commission -- Membership.

- (1)
- (a) There is created the Independent Executive Branch Ethics Commission, consisting of the following five members appointed by the governor, each of whom shall be registered to vote in the state at the time of appointment:
 - (i) two members who served:
 - (A) as elected officials in state government no more recently than four years before the day on which the member is appointed; or
 - (B) in a management position in the state executive branch no more recently than four years before the day on which the member is appointed;
 - (ii) one member who:
 - (A) has served, but no longer actively serves, as a judge of a court in the state; or
 - (B) is a licensed attorney in the state and is not, and has not been, a judge; and
 - (iii) two citizen members.
 - (b) The governor shall make appointments to the commission as follows:
 - (i) each executive branch elected official, other than the governor, shall select, and provide to the governor, at least two names for potential appointment to one of the membership positions described in Subsection (1)(a);
 - (ii) the governor shall determine which of the executive branch elected officials described in Subsection (1)(b)(i) shall select names for which membership position;
 - (iii) the governor shall appoint to the commission one of the names provided by each executive branch elected official described in Subsection (1)(b)(i);
 - (iv) the governor shall directly appoint the remaining member of the commission; and
 - (v) if an executive branch elected official fails to submit names to the governor within 15 days after the day on which the governor makes the determination described in Subsection (1)(b)(ii), the governor shall directly appoint a person to fill the applicable membership position.
- (2) 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 Section 20A-11-101;
 - (b) an agency head as defined in Section 67-16-3;
 - (c) a lobbyist as defined in Section 36-11-102;
 - (d) a principal as defined in Section 36-11-102; or
 - (e) an employee of the state.
- (3)
- (a) Except as provided in Subsection (3)(b), each member of the commission shall serve a four-year term.
 - (b) The governor shall set the first term of two of the members of the commission at two years, so that approximately half of the commission is appointed, or reappointed, every two years.

- (c) When a vacancy occurs in the commission's membership for any reason, the governor shall appoint a replacement member for the unexpired term of the vacating member, in accordance with Subsection (1).
 - (d) The governor may not appoint a member to serve more than two full terms, whether those terms are two or four years.
 - (e)
 - (i) The governor, or a majority of the commission, may remove a member from the commission only for cause.
 - (ii) The governor may not remove a member from the commission during any period of time when the commission is investigating or considering a complaint alleging an ethics violation against the governor or lieutenant governor.
 - (f) If a commission member determines that the commission member has a conflict of interest in relation to a complaint, the remaining members of the commission shall appoint an individual to serve in that member's place for the purpose of reviewing that complaint.
- (4)
- (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 at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
 - (b) A member may decline to receive per diem and expenses for the member's service.
- (5)
- (a) The commission members shall convene a meeting annually each January and elect, by majority vote, a chair from among the commission members.
 - (b) An individual may not serve as chair for more than two consecutive years.
- (6) The commission:
- (a) is established within the department for budgetary and general administrative purposes only; and
 - (b) is not under the direction or control of the department, the executive director, or any other officer or employee of the department.

Enacted by Chapter 426, 2013 General Session

63A-14-203 Independent Executive Branch Ethics Commission -- Meetings -- Annual summary report -- Staff.

- (1) The commission shall meet for the purpose of reviewing an ethics complaint when:
 - (a) except as otherwise expressly provided in this chapter, called to meet at the discretion of the chair; or
 - (b) called to meet by a majority vote of the commission.
- (2)
 - (a) A majority of the commission is a quorum.
 - (b) A majority vote of a quorum present constitutes the action of the commission.
- (3)
 - (a) The commission shall prepare an annual 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) a summary description of ethics complaints that formed the basis for a commission finding that an allegation in a complaint has merit; and

- (v) an accounting of the commission's budget and expenditures.
 - (b) The commission shall submit the summary data report to the Legislative Management Committee before December 1 each year.
 - (c) The summary data report is a public record.
- (4)
- (a) The commission may employ staff at a level that is reasonable to assist the commission in performing the commission's duties as established in this chapter.
 - (b) Except as provided in Subsection (4)(c), staff for the commission may not perform services for any other person in state government.
 - (c) A person employed as staff for the commission may be the same person employed as staff for the Independent Legislative Ethics Commission, if the staff ensures that proper protections are in place to preserve the confidentiality to both bodies and to avoid a conflict of interest.
- (5) Except as expressly otherwise provided in this chapter, all meetings held under this chapter are closed to the public.

Enacted by Chapter 426, 2013 General Session