

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.