

SENATE RULES RESOLUTION - ETHICS

REVISIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

LONG TITLE

General Description:

This bill creates a Senate Ethics Standing Committee and requires that a Code of Senate Conduct be established. It provides for procedures by which complaints against Senators are to be investigated and establishes certain penalties for violations of the Code of Senator Conduct.

Highlighted Provisions:

This resolution:

▶ creates a Senate Ethics Standing Committee to investigate and conduct confidential hearings regarding complaints against Senators;

▶ provides that the Senate Ethics Committee may dismiss the complaint or recommend to the President, majority leader, and minority leader that any or all of the following penalties be considered by the full Senate:

- censure;
- public apology;
- fine;
- removal from committee memberships or chairmanships; or
- expulsion from the Senate;

▶ provides that the President, majority leader, and minority leader may either remand the issue back to the Senate Ethics Committee for further consideration or recommend that the full Senate adopt or modify the recommendation; and



28 ▶ provides that the full Senate may either implement, reject, or modify the
29 recommendation from the President, majority leader, and minority leader.

30 **Special Clauses:**

31 None

32 **Legislative Rules Affected:**

33 AMENDS:

34 **SR-24.05**

35 ENACTS:

36 **SR-24.05.1**



38 *Be it resolved by the Senate of the state of Utah:*

39 Section 1. **SR-24.05** is amended to read:

40 **SR-24.05. Standing Committees.**

41 (1) The President shall appoint the following standing committees:

42 (a) Business and Labor;

43 (b) Education;

44 (c) Government Operations and Political Subdivisions;

45 (d) Health and Human Services;

46 (e) Judiciary, Law Enforcement, and Criminal Justice;

47 (f) Natural Resources, Agriculture, and Environment;

48 (g) Revenue and Taxation;

49 (h) Senate Ethics;

50 ~~(h)~~ (i) Senate Rules;

51 ~~(i)~~ (j) Transportation and Public Utilities and Technology; and

52 ~~(j)~~ (k) Workforce Services and Community and Economic Development.

53 (2) The members of the Retirement and Independent Entities Committee created in
54 Section 63E-1-201 who are appointed from the Senate are a standing committee.

55 Section 2. **SR-24.05.1** is enacted to read:

56 **SR-24.05.1. Senate Ethics Committee.**

57 (1) (a) A Senate Ethics Committee is established which shall consist of eight Senators
58 appointed by the President, no more than four of whom may be from the same political party.

- 59 (b) The President shall designate one Senator to act as chair of the committee.
- 60 (2) The Senate Ethics Committee shall develop a Senate Code of Conduct. Once
61 adopted by the committee, the Senate Code of Conduct shall be presented to the full Senate for
62 adoption. Adoption by the full Senate shall be by majority vote.
- 63 (3) The Senate Ethics Committee shall investigate and conduct confidential hearings
64 regarding complaints against any Senator for violations of the Senate Code of Conduct.
- 65 (4) The Supreme Court shall recommend a non-partisan, independent investigator to
66 investigate complaints regarding Senators.
- 67 (a) The investigator shall be interviewed and approved by the committee before
68 beginning any investigation. Once approved, the investigator becomes the employee of the
69 committee.
- 70 (b) If the committee rejects the Supreme Court's recommendation, or terminates the
71 investigator for any reason, the Supreme Court shall recommend another investigator.
- 72 (5) Any resident of the state may file a formal complaint against a Senator with the
73 Senate Ethics Committee for an alleged violation of the Senate Code of Conduct.
- 74 (6) Upon the receipt of a complaint against a Senator for a violation of the Senate Code
75 of Conduct the investigator shall:
- 76 (a) conduct a confidential investigation; and
- 77 (b) upon completion of the investigation, present the investigator's findings in a
78 confidential meeting of the committee.
- 79 (7) The committee, upon receipt of the investigator's findings, shall:
- 80 (a) determine if the investigator's findings present probable cause to believe a violation
81 of the Senate Code of Conduct has occurred; or
- 82 (b) request further investigation.
- 83 (8) If the committee determines there is not probable cause to believe a violation of the
84 Senate Code of Conduct has occurred, it may determine a course of action without further
85 investigation or a hearing, which may include:
- 86 (a) dismissing the complaint; or
- 87 (b) sending a letter of concern, educating the Senator about how the Senator's conduct,
88 though not a violation of the Senate Code of Conduct, may bring the office of Senator into
89 disrepute.

90 (9) If the committee determines there is probable cause to believe a violation of the
91 Senate Code of Conduct has occurred, it shall hold a confidential hearing and invite the
92 accused Senator to respond in writing to the complaint and appear before the committee.

93 (10) Following its investigations and hearings, the committee may dismiss the
94 complaint or recommend by majority vote to the President of the Senate and the majority and
95 minority leaders that any or all of the following penalties be considered by the full Senate:

96 (a) a letter of censure;

97 (b) a public apology before the entire Senate in open session for the behavior;

98 (c) a fine of not more than 20% of the Senator's annual legislative compensation;

99 (d) removal from standing committee memberships or chairmanships;

100 (e) expulsion from the Senate.

101 (11) When the President of the Senate and the majority and minority leaders receive a
102 recommendation from the Senate Ethics Committee they shall, by majority vote, either:

103 (a) adopt the recommendation;

104 (b) modify the recommendation; or

105 (c) remand the issue back to the Senate Ethics Committee for further consideration.

106 (12) If the President of the Senate and the majority and minority leaders adopt or
107 modify the recommendation from the Senate Ethics Committee, the full Senate shall be
108 convened in open session and, as the full Senate finds just and proper, issue a final order
109 implementing, rejecting, or modifying the recommendation from the President of the Senate
110 and the majority and minority leaders.

111 (a) If the subject of the complaint is a member of the majority party, the majority leader
112 shall present the findings of fact and recommendation of the Senate Ethics Committee and the
113 reasoning of the President of the Senate and the majority and minority leaders for either
114 adopting or modifying that recommendation to the full Senate for its consideration.

115 (b) If the subject of the complaint is a member of the minority party, the minority
116 leader shall present the findings of fact and recommendation of the Senate Ethics Committee
117 and the reasoning of the President of the Senate and the majority and minority leaders for either
118 adopting or modifying that recommendation to the full Senate for its consideration.

119 (13) A vote to affirm Subsections (10)(a), (b), (c), and (d) shall require a majority vote
120 of all Senators present in open session.

121 (14) A vote to affirm Subsection (10)(e) shall require a two-thirds majority vote of all
122 Senators elected to the body.

Legislative Review Note
as of 1-26-09 3:08 PM

Office of Legislative Research and General Counsel

S.R. 4 - Senate Rules Resolution - Ethics Revisions

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will require the new Senate Ethics Standing Committee to meet to develop a code of conduct. It is assumed the committee will meet three times for this purpose. Further meeting, investigatory, and staff costs will depend on the number and type of complaints received.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$8,200	\$0	\$0	\$0	\$0
Total	\$0	\$8,200	\$0	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.