

1 **JOINT RULES RESOLUTION MODIFYING ELIGIBILITY**
2 **REQUIREMENTS FOR INDEPENDENT LEGISLATIVE**
3 **ETHICS COMMISSION MEMBERS**

4 2014 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: John L. Valentine**

7 House Sponsor: Dean Sanpei

8
9 **LONG TITLE**

10 **General Description:**

11 This bill amends membership requirements for the Independent Legislative Ethics
12 Commission.

13 **Highlighted Provisions:**

14 This resolution:
15 ▶ modifies membership requirements for judges serving on the Independent
16 Legislative Ethics Commission.

17 **Special Clauses:**

18 None

19 **Legislative Rules Affected:**

20 AMENDS:

21 **JR6-2-103**

22
23 *Be it resolved by the Legislature of the state of Utah:*

24 Section 1. **JR6-2-103** is amended to read:

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

26 (1) There is established an Independent Legislative Ethics Commission.

27 (2) The commission is composed of five persons, each of whom is registered to vote in



28 this state, appointed as follows:

29 (a) two members, who have served~~[, but no longer serve,]~~ as judges of a court of record
30 in this state, each of whom shall be nominated by the mutual consent of the president of the
31 Senate and the speaker of the House, and appointed by a majority vote of the president of the
32 Senate, speaker of the House, Senate minority leader, and House minority leader;

33 (b) one member, who has served~~[, but no longer serves,]~~ as a judge of a court of record
34 in this state, nominated by the mutual consent of the Senate minority leader and the House
35 minority leader, and appointed by a majority vote of the president of the Senate, speaker of the
36 House, Senate minority leader, and House minority leader;

37 (c) one member, who has served as a member of the Legislature in this state no more
38 recently than four years before the date of appointment, appointed by the mutual consent of the
39 president of the Senate and the speaker of the House of Representatives; and

40 (d) one member, who has served as a member of the Legislature in this state no more
41 recently than four years before the date of appointment, appointed by the mutual consent of the
42 Senate minority leader and House minority leader.

43 (3) A member of the commission may not, during the member's term of office on the
44 commission, act or serve as:

45 (a) an officeholder as defined in Section [20A-11-101](#);

46 (b) an agency head as defined in Section [67-16-3](#);

47 (c) a lobbyist as defined in Section [36-11-102](#); or

48 (d) a principal as defined in Section [36-11-102](#).

49 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission
50 shall serve a four-year term.

51 (ii) When appointing the initial members upon formation of the commission, one
52 member nominated by the president of the Senate and the speaker of the House of
53 Representatives and one member nominated by the Senate minority leader and House minority
54 leader shall be appointed to a two-year term so that approximately half of the commission is
55 appointed every two years.

56 (b) (i) When a vacancy occurs in the commission's membership for any reason, a
57 replacement member shall be appointed for the unexpired term of the vacating member using
58 the procedures and requirements of Subsection (2).

59 (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating
60 member is not considered a full term.

61 (c) A member may not be appointed to serve for more than two full terms, whether
62 those terms are two or four years.

63 (d) A member of the commission may resign from the commission by giving one
64 month's written notice of the resignation to the president of the Senate, speaker of the House,
65 Senate minority leader, and House minority leader.

66 (e) The chair of the Legislative Management Committee shall remove a member from
67 the commission if the member:

68 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

69 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral
70 turpitude; or

71 (iii) fails to meet the qualifications of office as provided in this rule.

72 (f) If a commission member is accused of wrongdoing in a complaint, or if a
73 commission member determines that he or she has a conflict of interest in relation to a
74 complaint, a temporary commission member shall be appointed to serve in that member's place
75 for the purposes of reviewing that complaint using the procedures and requirements of
76 Subsection (2).

77 (5) (a) A member of the commission may not receive compensation or benefits for the
78 member's service, but may receive per diem and expenses incurred in the performance of the
79 member's official duties at the rates established by the Division of Finance under Sections
80 [63A-3-106](#) and [63A-3-107](#).

81 (b) A member may decline to receive per diem and expenses for the member's service.

82 (6) (a) The commission members shall convene a meeting annually each January and
83 elect, by a majority vote, a commission chair from among the commission members.

84 (b) A person may not serve as chair for more than two consecutive years.

Legislative Review Note
as of 2-3-14 9:54 AM

Office of Legislative Research and General Counsel