

SJR016S01 compared with SJR016

~~{Omitted text}~~ shows text that was in SJR016 but was omitted in SJR016S01

inserted text shows text that was not in SJR016 but was inserted into SJR016S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Joint Rules Resolution - ~~{Legislative Ethics Amendments}~~ Joint Rule Modifications**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This rules resolution modifies joint rules ~~{resolution amends Joint Rules, Title 6, Legislative Ethics and Adjudication of Ethics Complaints}~~ .

6 **Highlighted Provisions:**

7 This resolution:

8 ▶ defines terms;

9 ▶ requires the Executive Appropriations Committee to adjust a new fiscal year base budget under certain circumstances;

11 ▶ for legislation affecting criminal penalties, requires the legislative fiscal analyst to reflect the anticipated effect on state correctional facility capital costs in the legislation's fiscal analysis;

9 ▶ removes term limits for a member of the Independent Legislative Ethics Commission (commission);

11 ▶ modifies the circumstances under which the commission may dismiss a complaint;

12 ▶

SJR016 compared with SJR016S01

authorizes, under certain circumstances, the chair of the commission or the chair of the House or Senate Ethics Committee (committee) to designate a member of the commission or committee to preside;

- 15 ▶ clarifies provisions related to the commission's and a committee's subpoena powers;
- 16 ▶ requires an affidavit from the complainants, respondent, and each witness involved in a complaint;
- 18 ▶ clarifies commission staff's role in reviewing a complaint;
- 19 ▶ clarifies provisions related to the privacy of an ethics complaint;
- 20 ▶ clarifies that the commission's recommendation is a private record; and
- 21 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Legislative Rules Affected:**

32 AMENDS:

33 **JR3-2-402**

34 **JR4-2-403**

35 **JR6-2-103**

36 **JR6-2-201**

37 **JR6-2-302**

38 **JR6-2-303**

39 **JR6-3-101**

40 **JR6-3-102**

41 **JR6-4-101**

42 **JR6-4-102**

43 **JR6-4-103**

44 **JR6-4-204**

45 **JR6-4-302**

46

47 *Be it resolved by the Legislature of the state of Utah:*

SJR016 compared with SJR016S01

48 Section 1. **JR3-2-402** is amended to read:

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

50 (1)

(a) The Executive Appropriations Committee shall meet no later than the third Wednesday in December to:

52 (i) direct staff as to what revenue estimate to use in preparing budget recommendations, to include a forecast for federal fund receipts;

54 (ii) consider treating above-trend revenue growth as one-time revenue for major tax types and for federal funds;

56 (iii) hear a report on the historical, current, and anticipated status of the following:

57 (A) debt;

58 (B) long term liabilities;

59 (C) contingent liabilities;

60 (D) General Fund borrowing;

61 (E) reserves;

62 (F) fund balances;

63 (G) nonlapsing appropriation balances;

64 (H) cash funded infrastructure investment; and

65 (I) changes in federal funds paid to the state;

66 (iv) hear a report on:

67 (A) the next fiscal year base budget appropriation for Medicaid accountable care organizations according to Utah Code Section 26B-3-203;

69 (B) an explanation of program funding needs;

70 (C) estimates of overall medical inflation in the state; and

71 (D) mandated program changes and their estimated cost impact on Medicaid accountable care organizations;

73 (v) decide whether to set aside special allocations for the end of the session, including allocations:

75 (A) to address any anticipated reduction in the amount of federal funds paid to the state; and

77 (B) of one-time revenue to pay down debt and other liabilities;

78 (vi)

SJR016 compared with SJR016S01

- (A) hear a report on construction inflation and the ongoing operation and maintenance costs of any capital development project requested by an institution under Utah Code Section 53B-2a-117 or 53B-22-204; and
- 81 (B) in response to the report described in Subsection (1)(a)(vi)(A), decide whether to adjust the next
fiscal year base budget or set aside special allocations for the end of the session;
- 84 (vii) decide whether to set aside special allocations for legislation that will reduce taxes, including
legislation that will reduce one or more tax rates;
- 86 (viii) subject to Subsection (1)(c), unless waived by majority vote, if the amortization rate as
defined in Utah Code Section 49-11-102 for the new fiscal year is less than the amortization
rate for the preceding fiscal year, set aside an amount equal to the value of the reduction in the
amortization rate;
- 90 (ix) approve the appropriate amount for each subcommittee to use in preparing its budget;
- 92 (x) set a budget figure; and
- 93 (xi) adopt a base budget in accordance with Subsection (1)(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.
- 96 (b) In a base budget adopted under Subsection (1)(a), the Executive Appropriations Committee shall:
- 98 (i) set appropriations from the General Fund, the Income Tax Fund, and the Uniform School Fund as
follows:
- 100 [(i)] (A) if the next fiscal year ongoing revenue estimates set under Subsection (1)(a)(i) are equal to or
greater than the current fiscal year ongoing appropriations, the new fiscal year base budget is not
changed;
- 103 [(ii)] (B) if the next fiscal year ongoing revenue estimates set under Subsection (1)(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;
- 108 [(iii)] (C) in making a reduction under Subsection [~~(1)(b)(ii);~~] (1)(b)(i)(B) 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 [~~(1)(b)(ii);~~] (1)(b)(i)(B); and

113

SJR016 compared with SJR016S01

- 116 [(iv)] (D) the new fiscal year base budget shall include an appropriation to the Department of Health
and Human Services for Medicaid accountable care organizations in the amount required by Utah
Code Section 26B-3-203; and
- 116 (ii) adjust the new fiscal year base budget by moving any ongoing money the Legislature appropriated
in the prior fiscal year for state correctional facility capital costs described in JR4-2-403 to the
Corrections Facility Expansion Restricted Account created in Utah Code Section 51-9-1002.
- 120 (c)
- 121 (i) The Executive Appropriations Committee shall:
- 121 (A) comply with the set aside requirement described in Subsection (1)(a)(vii) using money from the
General Fund, Income Tax Fund, and Uniform School Fund;
- 124 (B) accumulate money set aside under Subsection (1)(a)(vii) across fiscal years; and
- 126 (C) when the total amount set aside under Subsection (1)(a)(vii), including any amount to be set
aside in the new fiscal year, equals or exceeds the cost of a 0.50% increase in benefited state
employee salaries for the new fiscal year, include in the base budget an increase in benefited
state employee salaries equal to the total set aside amount.
- 131 (ii) The Executive Appropriations Committee may waive or modify a requirement described in
Subsection (1)(c)(i) by majority vote.
- 133 (d) The chairs of each joint appropriations subcommittee are invited to attend the meeting described in
this Subsection (1).
- 135 (2) All proposed budget items shall be submitted to one of the subcommittees named in JR3-2-302 for
consideration and recommendation.
- 137 (3)
- 137 (a) After receiving and reviewing subcommittee reports, the Executive Appropriations Committee
may refer the report back to a joint appropriations subcommittee with any guidelines the Executive
Appropriations Committee considers necessary to assist the subcommittee in producing a balanced
budget.
- 141 (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.
- 144 (4)
- 144 (a) After receiving the reports, the Executive Appropriations Committee chairs will report them to the
Executive Appropriations Committee.

SJR016 compared with SJR016S01

- 146 (b) The Executive Appropriations Committee shall:
- 147 (i) make any further adjustments necessary to balance the budget; and
- 148 (ii) complete all decisions necessary to draft the final appropriations bills no later than the last Friday
before the 45th day of the annual general session.
- 150 (5) No later than December 1 of each calendar year, the Executive Appropriations Committee shall:
- 152 (a) review the budget for the Office of the Legislative Fiscal Analyst, the Office of Legislative Research
and General Counsel, the Office of the Legislative Auditor General, and the Office of Legislative
Services; and
- 155 (b) certify the Legislature's budget to the governor in accordance with Utah Code Section 63J-1-201.
- 157 Section 2. **JR4-2-403** is amended to read:
- 158 **JR4-2-403. Fiscal notes.**
- 159 (1) As used in this rule, "state correctional facility" means the same as that term is defined in Utah Code
Section 51-9-1001.
- 161 [~~(1)~~] (2)
- (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:
- 164 (A) review and analyze the legislation to determine its fiscal impact; and
- 165 (B) provide a fiscal note to the sponsor of the legislation.
- 166 (ii) For legislation that enacts, reduces, or otherwise changes a criminal penalty, the legislative
fiscal analyst shall ensure that the analysis under Subsection (2)(a)(i) reflects the anticipated
effect on state correctional facility capital costs.
- 169 [~~(ii)~~] (iii) To the extent reasonably necessary, the three day deadline for the preparation of the fiscal
note may be extended if:
- 171 (A) the legislative fiscal analyst requests it, states the reasons for the delay, and informs the sponsor of
the legislation of the delay; or
- 173 (B) the legislation affects public retirement benefits, requires an actuarial analysis to prepare the fiscal
note, and the legislative fiscal analyst informs the sponsor of the legislation of the delay.
- 176

SJR016 compared with SJR016S01

(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.

179 (c) The sponsor may:

180 (i) approve the release of the fiscal note;

181 (ii) direct that the fiscal note be held; or

182 (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.

185 (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.

188 (e) The legislative fiscal analyst shall make the final determination on the fiscal note.

189 (f) The fiscal note shall be printed with the legislation.

190 [~~(2)~~] (3) 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.

193 [~~(3)~~] (4) The fiscal note is not an official part of the legislation.

194 Section 3. **JR6-2-103** is amended to read:

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

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

44 (2) The commission is composed of five [~~persons~~] individuals, each of whom is registered to vote in this state, appointed as follows:

46 (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;

50 (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;

54

SJR016 compared with SJR016S01

- (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
- 58 (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.
- 61 (3) A member of the commission may not, during the member's term of office on the commission, act or serve as:
- 63 (a) an officeholder as defined in Utah Code Section 20A-11-101;
- 64 (b) an agency head as defined in Utah Code Section 67-16-3;
- 65 (c) a lobbyist as defined in Utah Code Section 36-11-102; or
- 66 (d) a principal as defined in Utah Code Section 36-11-102.
- 67 (4)
- (a)
- (i) Except as provided in Subsection (4)(a)(ii), each member of the commission shall serve a four-year term.
- 69 (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.
- 74 (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).
- 77 (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating member is not considered a full term.
- 79 [~~(e) A member may not be appointed to serve for more than two full terms, whether those terms are two or four years.~~]
- 81

SJR016 compared with SJR016S01

84 [(d)] (c) 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.

86 [(e)] (d) The chair of the Legislative Management Committee shall remove a member from the commission if the member:

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

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

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

90 [(f)] (e) If a commission member is accused of wrongdoing in a complaint, or if a commission member is found, under JR6-2-103.5, to have 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).

95 (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:

98 (i) Utah Code Section 63A-3-106;

99 (ii) Utah Code Section 63A-3-107; and

100 (iii) rules made by the Division of Finance according to Utah Code Sections 63A-3-106 and 63A-3-107.

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

103 (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.

105 (b) A [person] member may not serve as chair for more than two consecutive years.

259 Section 4. **JR6-2-201** is amended to read:

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

109 (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:

112 (a) a violation of the code of official conduct as provided in JR6-1-102;

SJR016 compared with SJR016S01

- 113 (b) a violation of JR6-1-103;
- 114 (c) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or
- 115 (d) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.
- 116 (2)
- (a) For an alleged violation under Subsection (1)(a), the complaint must be filed, subject to JR6-3-101(2), within two years of the date:
- 118 (i) [-]that the action or omission that forms the basis of the alleged violation occurred; or
- 120 (ii) [~~or within two years of the date~~]that the action or omission would have been discovered by a reasonable person.
- 122 (b) For an alleged violation under Subsection (1)(c) or (d), the complaint shall be filed, subject to JR6-3-101(2),{-} within two years of the date that the plea or conviction that forms the basis of the allegation was entered.
- 125 (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:
- 128 (i) the allegation was previously reviewed by the commission and dismissed without being referred to an ethics committee for review;
- 130 (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
- 133 (iii) the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission on one previous occasion.
- 135 (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:
- 137 (i) the chair of the Independent Legislative Ethics Commission, when reviewing the complaint under JR6-4-101; or
- 139 (ii) the commission, when reviewing the complaint under JR6-4-201.
- 140 (4) The Independent Legislative Ethics Commission shall dismiss a complaint when:
- 141 (a) the allegations in the complaint:
- 142 (i) lack merit; or
- 143 (ii) do not constitute a violation of this title; or

SJR016 compared with SJR016S01

- 144 (b) the Independent Legislative Ethics Commission lacks jurisdiction.
145 (5)
- (a) The Independent Legislative Ethics Commission may dismiss a complaint if, after negotiating in good faith, the complainant and respondent agree to corrective actions.
- 147 (b) The Independent Legislative Ethics Commission may reopen and review a complaint dismissed under Subsection (5)(a) if a complainant or respondent fails to comply with the terms of the agreement.
- 303 Section 5. **JR6-2-302** is amended to read:
304 **JR6-2-302. Chair as presiding judge.**
- 152 (1)
- (a) 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.
- 156 (b) When ruling on an evidentiary matter, the chair may designate another member who has legal expertise to preside.
- 158 (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:
- 160 (a) If a member objects to a decision of the chair, that member may appeal the decision by stating:
162 (i) "I appeal the decision of the chair."; and
163 (ii) the basis for the objection.
- 164 (b) This motion is nondebatable.
- 165 (c) The chair shall direct a roll call vote to determine if the commission or committee supports the decision of the chair.
- 167 (d) A majority vote of the commission or committee is necessary to overrule the decision of the chair.
- 169 (3) The chair may set time limitations on any part of a meeting or hearing authorized by this title.
- 324 Section 6. **JR6-2-303** is amended to read:
325 **JR6-2-303. Subpoena powers.**
- 173 (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:
- 175 (a) require the attendance of a witness;
176 (b) direct the production of evidence; or

SJR016 compared with SJR016S01

- 177 (c) require both the attendance of a witness and the production of evidence.
178 (2) The commission shall issue a subpoena under this rule:
179 (a) as required under JR6-2-305;
180 (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
183 (c) upon a vote of a majority of the commission members.
184 (3) An ethics committee shall issue a subpoena under this rule:
185 (a)
(i) as required under JR6-2-305;
186 ~~[(b)]~~ (ii) 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
189 ~~[(c)]~~ (iii) upon a vote of a majority of the committee members; and
190 (b) in accordance with Utah Code Title 36, Chapter 14, Legislative Subpoena Powers.
191 (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]~~ a person
authorized to do so under Subsection (3).
- 347 Section 7. **JR6-3-101** is amended to read:
348 **JR6-3-101. Ethics complaints -- Filing -- Form.**
196 (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):
199 (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:
202 (A) sets forth facts and circumstances supporting the alleged violation; and
203 (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules
of Evidence;
205 (ii) two or more members of the Senate, for a complaint against a senator, provided that the
complaint contains evidence or sworn testimony that:
207 (A) sets forth facts and circumstances supporting the alleged violation; and

SJR016 compared with SJR016S01

- 208 (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules
of Evidence; or
- 210 (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 personal knowledge of the facts and
circumstances supporting the alleged violation.
- 213 (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.
- 215 (2)
- (a) Complainants shall file a complaint with the chair of the Independent Legislative Ethics
Commission.
- 217 (b) Except as provided in Subsection (2)(c), an individual may not file a complaint during the 60
calendar days immediately preceding:
- 219 (i) a regular primary election, if the accused legislator is a candidate in the primary election; or
- 221 (ii) a regular general election in which the accused legislator is a candidate, unless the accused legislator
is unopposed in the election.
- 223 (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the time frame
provided in [~~that subsection~~] Subsection (2)(b) if:
- 225 (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
- 228 (ii) the crime of moral turpitude is one of the allegations contained in the complaint.
- 229 (3) The complainants shall ensure that each complaint filed under this rule is in writing and contains the
following information:
- 231 (a) the name and position or title of the legislator alleged to be in violation, who shall be referred to as
the respondent;
- 233 (b) the name, address, and telephone number of each individual who is filing the complaint;
- 235 (c) a description of each alleged violation, including for each alleged violation:
- 236 (i) a reference to:
- 237 (A) the section of the code of conduct alleged to have been violated; or
- 238 (B) the criminal provision violated and the docket number of the case involving the legislator;
- 240 (ii) the name of the complainant or complainants who have personal knowledge of the facts and
circumstances supporting each allegation; and

SJR016 compared with SJR016S01

- 242 (iii) the facts and circumstances supporting each allegation, which shall be provided by:
- 244 (A) copies of official records or documentary evidence; or
- 245 (B) one or more affidavits~~[, each of which shall comply with the following format]~~ that include the
following:
- 247 (I) the name, address, and telephone number of the signer;
- 248 (II) a statement that the signer has personal knowledge of the facts and circumstances alleged in the
affidavit;
- 250 (III) the facts and circumstances testified to by the signer;
- 251 (IV) a statement that the affidavit is ~~[believed to be]~~ true and correct~~[and that false statements are~~
~~subject to penalties]~~ , under penalty of perjury; and
- 253 (V) the signature of the signer;
- 254 (d) a list of the witnesses that the complainants wish to have called, including an affidavit for each
witness that includes the following:
- 256 (i) the witness's name, address, and~~[, if available, one or more telephone numbers of the witness]~~
telephone number;
- 258 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness will provide;
- 260 (iii) a specific description of any documents or evidence complainants desire the witness to produce;
- 262 (iv) a statement that the affidavit is true and correct, under penalty of perjury; and
- 263 (v) the witness's signature; and
- 264 (e) an affidavit for each complainant that includes the following:
- 265 (i) a statement that [each] the complainant:
- 266 [(i)] (A) has reviewed the allegations contained in the complaint and the sworn statements and
documents attached to the complaint; and
- 268 [(ii)] (B) 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;~~[(f)] and]~~
- 272 ~~[(iii) believes the allegations contained in the complaint to be true and accurate; and]~~
- 273 [(f)] (ii) a statement that the affidavit is true and correct, under penalty of perjury; and
- 274 (iii) the~~[signature of each complainant]~~ complainant's signature.

428 Section 8. **JR6-3-102** is amended to read:

429

SJR016 compared with SJR016S01

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

- 278 (1)
- (a) Except as provided in Subsection (1)(b), [~~a person~~] an individual, including the complainants, the respondent, commission members, a committee chair or vice chair, or staff to the commission or a committee, may not disclose:
- 281 (i) the identity of any complainant or the respondent;
- 282 (ii) the existence of a complaint[~~, a response, nor~~] or a response; or
- 283 (iii) any information concerning any alleged violation that is the subject of a complaint.
- 285 (b) The restrictions in Subsection (1)(a) do not apply to:
- 286 (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~~];
- 290 [(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;~~]
- 293 [(iii)] (ii) disclosing facts or allegations about potential criminal violations to law enforcement authorities;
- 295 [(iv)] (iii) a disclosure by a respondent that is made solely for the purpose of, and only to the extent necessary for, retaining counsel[~~or conducting an interview~~], seeking evidence, or taking other action to prepare to defend against a complaint;
- 298 [(v)] (iv) a communication between a commission or committee member and the commission's or committee's attorneys or staff; or
- 300 [(vi)] (v) a disclosure to a person that is determined necessary, by a majority vote of the commission or committee, to conduct the duties of the commission or committee.
- 303 (2) When [~~a person~~] an individual makes a disclosure under Subsection [(1)(b)(iv) or (vi),] (1)(b)(iii) or (v), the [~~person~~] individual making the disclosure shall inform the person to whom the disclosure is made of the nondisclosure requirements described in this section.
- 306 (3) [~~A person~~] An individual 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.

SJR016 compared with SJR016S01

309 (4) 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.

466 Section 9. **JR6-4-101** is amended to read:

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

316 (1) Within five business days after receipt of a complaint, [~~the staff of the Independent Legislative~~
~~Ethics Commission~~] commission staff, in consultation with the [~~chair of the~~] commission chair
and vice-chair, shall examine the complaint to determine if it is in compliance with JR6-2-201 or
JR6-3-101.

320 (2)

(a) If the chair determines that the complaint does not comply with JR6-2-201 or JR6-3-101, the chair
shall:

322 (i) return the complaint to the first complainant named on the complaint with:

323 (A) a statement detailing the reason for the non-compliance; and

324 (B) a copy of the applicable legislative rules; and

325 (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:

329 (A) a complaint was filed against a member of the Senate or House, respectively, but was returned for
non-compliance with legislative rule; and

331 (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.

334 (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.

337 (3) If the chair determines that the complaint complies with the requirements of this rule, the chair shall:

339 (a) accept the complaint;

340

SJR016 compared with SJR016S01

(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:

- 344 (i) that a complaint has been filed against a member of the Senate or House, respectively;
- 346 (ii) of the identity of the legislator who is the subject of the complaint and the identity of the ~~[person or~~
persons] individuals filing the complaint;
- 348 (iii) of the nature of the allegations contained in the complaint; and
- 349 (iv) of the fact that a complaint was filed and the nature of the allegations raised in the complaint shall
be kept confidential until the commission discloses the existence of the complaint via:
- 352 (A) a recommendation to a legislative ethics committee under JR6-4-204; or
- 353 (B) the commission's submission of the annual summary data report under JR6-2-104;
- 355 ~~[(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:]~~
- 359 ~~[(A) a recommendation that an allegation in the complaint be heard by a legislative ethics committee;~~
~~or]~~
- 361 ~~[(B) submission of the commission's annual summary data report as required by JR6-2-104;]~~
- 363 (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
- 366 (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:
- 369 (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;
- 371 (ii) a copy of the applicable legislative rules; and
- 372 (iii) notice of the legislator's deadline for filing a response to the complaint.

526 Section 10. **JR6-4-102** is amended to read:

527 **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

SJR016 compared with SJR016S01

JR6-4-101, the commission chair shall:

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

540 Section 11. **JR6-4-103** is amended to read:

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

- 389 (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.
- 392 (2) The respondent shall file the response with the commission and shall ensure that the response is in
writing and contains the following information:
- 394 (a) the respondent's name, address, and telephone number [~~of the respondent~~];
- 395 (b) for each alleged violation in the complaint:
- 396 (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~~] that include the
following:
- 400 (A) the name, address, and telephone number of the signer;
- 401 (B) a statement that the signer has personal knowledge of the facts and circumstances alleged in the
affidavit;
- 403 (C) the facts and circumstances testified to by the signer;
- 404 (D) a statement that the affidavit is [~~believed to be~~] true and correct [~~and that false statements are~~
~~subject to penalties~~] , under penalty of perjury; and
- 406 (E) the signature of the signer; and
- 407 (ii) the facts and circumstances refuting the allegation, which shall be provided by:
- 408 (A) copies of official records or documentary evidence; or

SJR016 compared with SJR016S01

- 409 (B) one or more affidavits~~[, each of which shall comply with the following format]~~ that include the
410 following:
- 411 (I) the name, address, and telephone number of the signer;
- 412 (II) a statement that the signer has personal knowledge of the facts and circumstances alleged in the
413 affidavit;
- 414 (III) the facts and circumstances testified to by the signer;
- 415 (IV) a statement that the affidavit is ~~[believed to be]~~ true and correct~~[- and that false statements are~~
416 ~~subject to penalties]~~ , under penalty of perjury; and
- 417 (V) the signature of the signer;
- 418 (c) a list of the witnesses that the respondent wishes to have called, including an affidavit for each
419 witness that includes the following:
- 420 (i) the witness's name, address, and~~[, if available, telephone number of the witness]~~ telephone number;
- 421 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness will provide;
- 422 (iii) a specific description of any documents or evidence the respondent desires the witness to produce;
- 423 (iv) a statement that the affidavit is true and correct, under penalty of perjury; and
- 424 (v) the witness's signature; and
- 425 (d) an affidavit that includes the following:
- 426 (i) a statement that the respondent:
- 427 [(i)] (A) has reviewed the allegations contained in the complaint and the sworn statements and
428 documents attached to the response; and
- 429 [(ii)] (B) believes the contents of the response to be true and accurate;~~[-{f} and]~~
- 430 (ii) a statement that the affidavit is true and correct, under penalty of perjury; and
- 431 [(e)] (iii) the ~~[signature of the respondent]~~ respondent's signature.
- 432 (3) Promptly after receiving the response, ~~[the{f}]~~ commission staff shall provide ~~[copies]~~ a copy of
433 the response to:
- 434 (a) each member of the commission; and
- 435 (b) the first named complainant on the complaint.
- 436 Section 12. **JR6-4-204** is amended to read:
- 437 **JR6-4-204. Recommendations of commission.**
- 438 (1) If the commission determines that no allegations in the complaint were proved, the commission
439 shall:

SJR016 compared with SJR016S01

- 443 (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;
- 445 (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;
- 448 (c) provide notice of the determination, in a manner determined by a majority vote of the commission,
to:
- 450 (i) the respondent; and
- 451 (ii) the first complainant named on the complaint; and
- 452 (d) provide notice to each [~~person~~] individual 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.
- 456 (2) If the commission determines that one or more of the allegations in the complaint were proved, the
commission shall:
- 458 (a) if one or more allegations were not found to have been proven, enter into the record an order
dismissing those unproven allegations;
- 460 (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:
- 463 (i) lists the name of each complainant;
- 464 (ii) lists the name of the respondent;
- 465 (iii) states the date of the recommendation;
- 466 (iv) for each allegation that was found to be proven:
- 467 (A) provides a reference to the code of conduct or criminal provision allegedly violated;
- 469 (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;
- 472 (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
- 476 (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;

SJR016 compared with SJR016S01

- 480 (v) contains any general statement that is adopted for inclusion in the recommendation by a majority of
the members of the commission;
- 482 (vi) contains a statement referring the allegations found to have been proved to the appropriate ethics
committee for review;
- 484 (vii) states the name of each member of the commission; and
- 485 (viii) is signed by each commission member; and
- 486 [~~(e) 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]~~
- 488 [~~(d)~~] (c) 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.
- 491 (3) The commission shall ensure that a copy of the recommendation is [~~made publicly available and~~
]promptly provided to:
- 493 (a) the respondent, together with notice that the respondent may amend the respondent's witness list as
provided in JR6-4-301;
- 495 (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
- 497 (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.
- 500 (4) The commission shall ensure that, within five business days of the date of issuance of the
recommendation:
- 502 (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
- 505 (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:
- 509 (i) a cover letter referring the allegations contained in the [~~edited]~~ redacted complaint to the ethics
committee for the committee's review;
- 511 (ii) a copy of the [~~edited]~~ redacted complaint;
- 512 (iii) a copy of the [~~edited]~~ redacted response; and

SJR016 compared with SJR016S01

- 513 (iv) a copy of the recommendation.
- 667 Section 13. **JR6-4-302** is amended to read:
- 668 **JR6-4-302. Review of ethics complaint by Ethics Committee.**
- 516 (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-] redacted complaint and the [edited-] redacted response
provided by the commission.
- 519 (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:
- 521 (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
- 524 (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.
- 526 (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:
- 528 (i) a meeting authorized under Subsection (2)(a); or
- 529 (ii) necessary scheduling requirements.
- 530 (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.
- 533 (b)
- (i) [The-] Except as provided in Subsection (3)(b)(ii), the chair shall make rulings on admissibility of
evidence consistent with the provisions of JR6-4-202.
- 535 (ii) When ruling on an evidentiary matter, the chair may designate a member of the committee who has
legal expertise to preside.
- 537 (4)
- (a) A meeting or hearing held under this Chapter 4, Part 3, Review of Ethics Complaint by Ethics
Committee:
- 539 (i) is subject to the requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act;
and
- 541

SJR016 compared with SJR016S01

(ii) may be closed by a majority vote of the committee, held in the public portion of the meeting,
for:

- 543 (A) any purpose permitted under Utah Code Section 52-4-205;
544 (B) the purpose of discussing legal, evidentiary, or procedural matters with the committee or staff; or
546 (C) deliberations, as provided in JR6-4-304.
- 547 (b) Only committee members, committee staff, and necessary security personnel may attend a closed
meeting.
- 549 (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:
- 553 (a) adjourn and continue the hearing or meeting to a future date and time; and
554 (b) establish [~~that~~] the future date and time by majority vote.

708 Section 14. **Effective date.**

Effective Date.

This resolution takes effect upon a successful vote for final passage.

2-23-26 8:31 AM