

**Ann Millner** proposes the following substitute bill:

**Joint Rules Resolution - Joint Rule Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Tyler Clancy

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**LONG TITLE**

**General Description:**

This rules resolution modifies joint rules.

**Highlighted Provisions:**

This resolution:

- defines terms;
- requires the Executive Appropriations Committee to adjust a new fiscal year base budget under certain circumstances;
- 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;
- removes term limits for a member of the Independent Legislative Ethics Commission (commission);
- modifies the circumstances under which the commission may dismiss a complaint;
- 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;
- clarifies provisions related to the commission's and a committee's subpoena powers;
- requires an affidavit from the complainants, respondent, and each witness involved in a complaint;
- clarifies commission staff's role in reviewing a complaint;
- clarifies provisions related to the privacy of an ethics complaint;
- clarifies that the commission's recommendation is a private record; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

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:*

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

51 Wednesday in December to:

- 52 (i) direct staff as to what revenue estimate to use in preparing budget
- 53 recommendations, to include a forecast for federal fund receipts;
- 54 (ii) consider treating above-trend revenue growth as one-time revenue for major tax
- 55 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
- 68 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
- 72 accountable care organizations;
- 73 (v) decide whether to set aside special allocations for the end of the session, including
- 74 allocations:
- 75 (A) to address any anticipated reduction in the amount of federal funds paid to the
- 76 state; and
- 77 (B) of one-time revenue to pay down debt and other liabilities;
- 78 (vi)(A) hear a report on construction inflation and the ongoing operation and
- 79 maintenance costs of any capital development project requested by an
- 80 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
- 82 to adjust the next fiscal year base budget or set aside special allocations for the
- 83 end of the session;
- 84 (vii) decide whether to set aside special allocations for legislation that will reduce
- 85 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
- 87 rate as defined in Utah Code Section 49-11-102 for the new fiscal year is less than
- 88 the amortization rate for the preceding fiscal year, set aside an amount equal to the
- 89 value of the reduction in the amortization rate;
- 90 (ix) approve the appropriate amount for each subcommittee to use in preparing its
- 91 budget;
- 92 (x) set a budget figure; and
- 93 (xi) adopt a base budget in accordance with Subsection (1)(b) and direct the
- 94 legislative fiscal analyst to prepare one or more appropriations acts appropriating
- 95 one or more base budgets for the next fiscal year.
- 96 (b) In a base budget adopted under Subsection (1)(a), the Executive Appropriations

- 97 Committee shall:
- 98 (i) set appropriations from the General Fund, the Income Tax Fund, and the Uniform  
99 School Fund as follows:
- 100 [(i)] (A) if the next fiscal year ongoing revenue estimates set under Subsection  
101 (1)(a)(i) are equal to or greater than the current fiscal year ongoing  
102 appropriations, the new fiscal year base budget is not changed;
- 103 [(ii)] (B) if the next fiscal year ongoing revenue estimates set under Subsection  
104 (1)(a)(i) are less than the current fiscal year ongoing appropriations, the new  
105 fiscal year base budget is reduced by the same percentage that projected next  
106 fiscal year ongoing revenue estimates are lower than the total of current fiscal  
107 year ongoing appropriations;
- 108 [(iii)] (C) in making a reduction under Subsection [~~(1)(b)(ii);~~] (1)(b)(i)(B)  
109 appropriated debt service shall not be reduced, and other ongoing  
110 appropriations shall be reduced, in an amount sufficient to make the total  
111 ongoing appropriations, including the unadjusted debt service, equal to the  
112 percentage calculated under Subsection [~~(1)(b)(ii);~~] (1)(b)(i)(B); and
- 113 [(iv)] (D) the new fiscal year base budget shall include an appropriation to the  
114 Department of Health and Human Services for Medicaid accountable care  
115 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  
117 Legislature appropriated in the prior fiscal year for state correctional facility  
118 capital costs described in JR4-2-403 to the Corrections Facility Expansion  
119 Restricted Account created in Utah Code Section 51-9-1002.
- 120 (c)(i) The Executive Appropriations Committee shall:
- 121 (A) comply with the set aside requirement described in Subsection (1)(a)(vii)  
122 using money from the General Fund, Income Tax Fund, and Uniform School  
123 Fund;
- 124 (B) accumulate money set aside under Subsection (1)(a)(vii) across fiscal years;  
125 and
- 126 (C) when the total amount set aside under Subsection (1)(a)(vii), including any  
127 amount to be set aside in the new fiscal year, equals or exceeds the cost of a  
128 0.50% increase in benefited state employee salaries for the new fiscal year,  
129 include in the base budget an increase in benefited state employee salaries  
130 equal to the total set aside amount.

- 131 (ii) The Executive Appropriations Committee may waive or modify a requirement  
 132 described in Subsection (1)(c)(i) by majority vote.
- 133 (d) The chairs of each joint appropriations subcommittee are invited to attend the  
 134 meeting described in this Subsection (1).
- 135 (2) All proposed budget items shall be submitted to one of the subcommittees named in  
 136 JR3-2-302 for consideration and recommendation.
- 137 (3)(a) After receiving and reviewing subcommittee reports, the Executive  
 138 Appropriations Committee may refer the report back to a joint appropriations  
 139 subcommittee with any guidelines the Executive Appropriations Committee  
 140 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  
 142 adjustments to the chairs of the Executive Appropriations Committee as soon as  
 143 possible.
- 144 (4)(a) After receiving the reports, the Executive Appropriations Committee chairs will  
 145 report them to the Executive Appropriations Committee.
- 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  
 149 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  
 151 Committee shall:
- 152 (a) review the budget for the Office of the Legislative Fiscal Analyst, the Office of  
 153 Legislative Research and General Counsel, the Office of the Legislative Auditor  
 154 General, and the Office of Legislative Services; and
- 155 (b) certify the Legislature's budget to the governor in accordance with Utah Code  
 156 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  
 160 in Utah Code Section 51-9-1001.
- 161 [(+)] (2)(a)(i) When the legislative fiscal analyst receives the electronic copy of the  
 162 approved legislation from the Office of Legislative Research and General  
 163 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  
 167 legislative fiscal analyst shall ensure that the analysis under Subsection (2)(a)(i)  
 168 reflects the anticipated effect on state correctional facility capital costs.
- 169 ~~[(ii)]~~ (iii) To the extent reasonably necessary, the three day deadline for the  
 170 preparation of the fiscal note may be extended if:
- 171 (A) the legislative fiscal analyst requests it, states the reasons for the delay, and  
 172 informs the sponsor of the legislation of the delay; or
- 173 (B) the legislation affects public retirement benefits, requires an actuarial analysis  
 174 to prepare the fiscal note, and the legislative fiscal analyst informs the sponsor  
 175 of the legislation of the delay.
- 176 (b) If the legislative fiscal analyst determines that the legislation has no fiscal impact,  
 177 the legislative fiscal analyst may release the fiscal note immediately after the sponsor  
 178 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  
 183 to discuss that disagreement and provide evidence, data, or other information to  
 184 support a revised fiscal note.
- 185 (d) If the sponsor does not contact the legislative fiscal analyst with instructions about  
 186 the fiscal note within one 24 hour legislative day, the legislative fiscal analyst shall  
 187 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  
 191 fiscal impact of the legislation, the legislative fiscal analyst shall prepare an amended  
 192 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.**
- 196 (1) There is established an Independent Legislative Ethics Commission.
- 197 (2) The commission is composed of five ~~[persons]~~ individuals, each of whom is registered  
 198 to vote in this state, appointed as follows:

- 199 (a) two members, who have served as judges of a court of record in this state, each of  
 200 whom shall be nominated by the mutual consent of the president of the Senate and  
 201 the speaker of the House, and appointed by a majority vote of the president of the  
 202 Senate, speaker of the House, Senate minority leader, and House minority leader;
- 203 (b) one member, who has served as a judge of a court of record in this state, nominated  
 204 by the mutual consent of the Senate minority leader and the House minority leader,  
 205 and appointed by a majority vote of the president of the Senate, speaker of the House,  
 206 Senate minority leader, and House minority leader;
- 207 (c) one member, who has served as a member of the Legislature in this state no more  
 208 recently than four years before the date of appointment, appointed by the mutual  
 209 consent of the president of the Senate and the speaker of the House of  
 210 Representatives; and
- 211 (d) one member, who has served as a member of the Legislature in this state no more  
 212 recently than four years before the date of appointment, appointed by the mutual  
 213 consent of the Senate minority leader and House minority leader.
- 214 (3) A member of the commission may not, during the member's term of office on the  
 215 commission, act or serve as:
- 216 (a) an officeholder as defined in Utah Code Section 20A-11-101;  
 217 (b) an agency head as defined in Utah Code Section 67-16-3;  
 218 (c) a lobbyist as defined in Utah Code Section 36-11-102; or  
 219 (d) a principal as defined in Utah Code Section 36-11-102.
- 220 (4)(a)(i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
 221 shall serve a four-year term.
- 222 (ii) When appointing the initial members upon formation of the commission, one  
 223 member nominated by the president of the Senate and the speaker of the House of  
 224 Representatives and one member nominated by the Senate minority leader and  
 225 House minority leader shall be appointed to a two-year term so that approximately  
 226 half of the commission is appointed every two years.
- 227 (b)(i) When a vacancy occurs in the commission's membership for any reason, a  
 228 replacement member shall be appointed for the unexpired term of the vacating  
 229 member using the procedures and requirements of Subsection (2).
- 230 (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating  
 231 member is not considered a full term.
- 232 ~~[(c) A member may not be appointed to serve for more than two full terms, whether~~

- 233 ~~those terms are two or four years.]~~
- 234 [(d)] (c) A member of the commission may resign from the commission by giving one  
 235 month's written notice of the resignation to the president of the Senate, speaker of the  
 236 House, Senate minority leader, and House minority leader.
- 237 [(e)] (d) The chair of the Legislative Management Committee shall remove a member  
 238 from the commission if the member:
- 239 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;  
 240 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
 241 turpitude; or
- 242 (iii) fails to meet the qualifications of office as provided in this rule.
- 243 [(f)] (e) If a commission member is accused of wrongdoing in a complaint, or if a  
 244 commission member is found, under JR6-2-103.5, to have a conflict of interest in  
 245 relation to a complaint, a temporary commission member shall be appointed to serve  
 246 in that member's place for the purposes of reviewing that complaint using the  
 247 procedures and requirements of Subsection (2).
- 248 (5)(a) A member of the commission may not receive compensation or benefits for the  
 249 member's service, but may receive per diem and expenses incurred in the  
 250 performance of the member's official duties as allowed in:
- 251 (i) Utah Code Section 63A-3-106;  
 252 (ii) Utah Code Section 63A-3-107; and  
 253 (iii) rules made by the Division of Finance according to Utah Code Sections  
 254 63A-3-106 and 63A-3-107.
- 255 (b) A member may decline to receive per diem and expenses for the member's service.
- 256 (6)(a) The commission members shall convene a meeting annually each January and  
 257 elect, by a majority vote, a commission chair from among the commission members.
- 258 (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 --**
- 261 **Limitations on filings.**
- 262 (1) Subject to the requirements of this chapter, the Senate Ethics Committee, the House  
 263 Ethics Committee, and the Independent Legislative Ethics Commission are authorized to  
 264 review an ethics complaint against a legislator if the complaint alleges:
- 265 (a) a violation of the code of official conduct as provided in JR6-1-102;  
 266 (b) a violation of JR6-1-103;

- 267 (c) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or  
268 (d) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.
- 269 (2)(a) For an alleged violation under Subsection (1)(a), the complaint must be filed,  
270 subject to JR6-3-101(2), within two years of the date:
- 271 (i) [-]that the action or omission that forms the basis of the alleged violation occurred;  
272 or  
273 (ii) [-or within two years of the date-]that the action or omission would have been  
274 discovered by a reasonable person.
- 275 (b) For an alleged violation under Subsection (1)(c) or (d), the complaint shall be filed,  
276 subject to JR6-3-101(2), within two years of the date that the plea or conviction that  
277 forms the basis of the allegation was entered.
- 278 (3)(a) A complaint may not contain an allegation if that allegation and the general facts  
279 and circumstances supporting that allegation have been previously reviewed by the  
280 commission or an ethics committee unless:
- 281 (i) the allegation was previously reviewed by the commission and dismissed without  
282 being referred to an ethics committee for review;
- 283 (ii) the allegation is accompanied by material facts or circumstances supporting the  
284 allegation that were not raised or pled to the commission when the allegation was  
285 previously reviewed; and
- 286 (iii) the allegation and the general facts and circumstances supporting that allegation  
287 have only been reviewed by the commission on one previous occasion.
- 288 (b) If an allegation in the complaint does not comply with the requirements of  
289 Subsection (3)(a), the allegation shall be summarily dismissed with prejudice by:
- 290 (i) the chair of the Independent Legislative Ethics Commission, when reviewing the  
291 complaint under JR6-4-101; or  
292 (ii) the commission, when reviewing the complaint under JR6-4-201.
- 293 (4) The Independent Legislative Ethics Commission shall dismiss a complaint when:
- 294 (a) the allegations in the complaint:
- 295 (i) lack merit; or  
296 (ii) do not constitute a violation of this title; or
- 297 (b) the Independent Legislative Ethics Commission lacks jurisdiction.
- 298 (5)(a) The Independent Legislative Ethics Commission may dismiss a complaint if, after  
299 negotiating in good faith, the complainant and respondent agree to corrective actions.
- 300 (b) The Independent Legislative Ethics Commission may reopen and review a complaint

301 dismissed under Subsection (5)(a) if a complainant or respondent fails to comply  
302 with the terms of the agreement.

303 Section 5. **JR6-2-302** is amended to read:

304 **JR6-2-302 . Chair as presiding judge.**

305 (1)(a) Except as expressly provided otherwise in this title, the chair of the Independent  
306 Legislative Ethics Commission and the chair of the Senate or House Ethics  
307 Committee is vested with the power to direct the commission or committee during  
308 meetings authorized by this title.

309 (b) When ruling on an evidentiary matter, the chair may designate another member who  
310 has legal expertise to preside.

311 (2) Unless expressly prohibited from doing so under this title, the commission or committee  
312 may overrule a decision of the chair by using the following procedure:

313 (a) If a member objects to a decision of the chair, that member may appeal the decision  
314 by stating:

315 (i) "I appeal the decision of the chair."; and

316 (ii) the basis for the objection.

317 (b) This motion is nondebatable.

318 (c) The chair shall direct a roll call vote to determine if the commission or committee  
319 supports the decision of the chair.

320 (d) A majority vote of the commission or committee is necessary to overrule the  
321 decision of the chair.

322 (3) The chair may set time limitations on any part of a meeting or hearing authorized by this  
323 title.

324 Section 6. **JR6-2-303** is amended to read:

325 **JR6-2-303 . Subpoena powers.**

326 (1) For all proceedings authorized by this title, the Independent Legislative Ethics  
327 Commission or the Senate or House Ethics Committee may issue a subpoena to:

328 (a) require the attendance of a witness;

329 (b) direct the production of evidence; or

330 (c) require both the attendance of a witness and the production of evidence.

331 (2) The commission shall issue a subpoena under this rule:

332 (a) as required under JR6-2-305;

333 (b) at the direction of the commission chair, if the chair determines that the testimony or  
334 evidence is relevant to the review of a complaint under Chapter 4, Part 2, Review of

- 335 Ethics Complaint by the Independent Legislative Ethics Commission; or  
 336 (c) upon a vote of a majority of the commission members.
- 337 (3) An ethics committee shall issue a subpoena under this rule:  
 338 (a)(i) as required under JR6-2-305;  
 339 ~~[(b)]~~ (ii) at the direction of the committee chair or vice chair, if the chair or vice chair  
 340 determines that the testimony or evidence is relevant to review of a complaint  
 341 under Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee; or  
 342 ~~[(e)]~~ (iii) upon a vote of a majority of the committee members; and  
 343 (b) in accordance with Utah Code Title 36, Chapter 14, Legislative Subpoena Powers.
- 344 (4) The director of the Office of Legislative Research and General Counsel shall issue a  
 345 subpoena on behalf of an ethics committee when requested to do so by ~~[one of the~~  
 346 ~~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.**
- 349 (1)(a) The following individuals, who shall be referred to as the complainants, may file a  
 350 complaint against an individual legislator if the complaint meets the requirements of  
 351 JR6-2-201 and Subsection (1)(b):
- 352 (i) two or more members of the House of Representatives, for a complaint against a  
 353 representative, provided that the complaint contains evidence or sworn testimony  
 354 that:  
 355 (A) sets forth facts and circumstances supporting the alleged violation; and  
 356 (B) is evidence or sworn testimony of the type that would generally be admissible  
 357 under the Utah Rules of Evidence;
- 358 (ii) two or more members of the Senate, for a complaint against a senator, provided  
 359 that the complaint contains evidence or sworn testimony that:  
 360 (A) sets forth facts and circumstances supporting the alleged violation; and  
 361 (B) is evidence or sworn testimony of the type that would generally be admissible  
 362 under the Utah Rules of Evidence; or
- 363 (iii) two or more registered voters currently residing within Utah, if, for each alleged  
 364 violation pled in the complaint, at least one of those registered voters has personal  
 365 knowledge of the facts and circumstances supporting the alleged violation.
- 366 (b) A complainant may file a complaint only against an individual who is serving as a  
 367 member of the Legislature on the date that the complaint is filed.
- 368 (2)(a) Complainants shall file a complaint with the chair of the Independent Legislative

- 369 Ethics Commission.
- 370 (b) Except as provided in Subsection (2)(c), an individual may not file a complaint  
371 during the 60 calendar days immediately preceding:
- 372 (i) a regular primary election, if the accused legislator is a candidate in the primary  
373 election; or
- 374 (ii) a regular general election in which the accused legislator is a candidate, unless the  
375 accused legislator is unopposed in the election.
- 376 (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the  
377 time frame provided in ~~[that subsection]~~ Subsection (2)(b) if:
- 378 (i) the complaint includes evidence that the subject of the complaint has been  
379 convicted of, plead guilty to, entered a plea of no contest to, or entered a plea in  
380 abeyance to a crime of moral turpitude; and
- 381 (ii) the crime of moral turpitude is one of the allegations contained in the complaint.
- 382 (3) The complainants shall ensure that each complaint filed under this rule is in writing and  
383 contains the following information:
- 384 (a) the name and position or title of the legislator alleged to be in violation, who shall be  
385 referred to as the respondent;
- 386 (b) the name, address, and telephone number of each individual who is filing the  
387 complaint;
- 388 (c) a description of each alleged violation, including for each alleged violation:
- 389 (i) a reference to:
- 390 (A) the section of the code of conduct alleged to have been violated; or  
391 (B) the criminal provision violated and the docket number of the case involving  
392 the legislator;
- 393 (ii) the name of the complainant or complainants who have personal knowledge of  
394 the facts and circumstances supporting each allegation; and
- 395 (iii) the facts and circumstances supporting each allegation, which shall be provided  
396 by:
- 397 (A) copies of official records or documentary evidence; or  
398 (B) one or more affidavits~~[, each of which shall comply with the following format]~~  
399 that include the following:
- 400 (I) the name, address, and telephone number of the signer;  
401 (II) a statement that the signer has personal knowledge of the facts and  
402 circumstances alleged in the affidavit;

- 403 (III) the facts and circumstances testified to by the signer;
- 404 (IV) a statement that the affidavit is ~~[believed to be]~~ true and correct ~~[-and that~~
- 405 ~~false statements are subject to penalties]~~ , under penalty of perjury; and
- 406 (V) the signature of the signer;
- 407 (d) a list of the witnesses that the complainants wish to have called, including an
- 408 affidavit for each witness that includes the following:
- 409 (i) the witness's name, address, and ~~[, if available, one or more telephone numbers of~~
- 410 ~~the witness]~~ telephone number;
- 411 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness
- 412 will provide;
- 413 (iii) a specific description of any documents or evidence complainants desire the
- 414 witness to produce;
- 415 (iv) a statement that the affidavit is true and correct, under penalty of perjury; and
- 416 (v) the witness's signature; and
- 417 (e) an affidavit for each complainant that includes the following:
- 418 (i) a statement that ~~[each]~~ the complainant:
- 419 ~~[(†)]~~ (A) has reviewed the allegations contained in the complaint and the sworn
- 420 statements and documents attached to the complaint; and
- 421 ~~[(‡)]~~ (B) believes that the complaint is submitted in good faith and not for any
- 422 improper purpose such as for the purpose of harassing the respondent, causing
- 423 unwarranted harm to the respondent's reputation, or causing unnecessary
- 424 expenditure of public funds; ~~[-and]~~
- 425 ~~[(iii) believes the allegations contained in the complaint to be true and accurate; and]~~
- 426 ~~[(f)]~~ (ii) a statement that the affidavit is true and correct, under penalty of perjury; and
- 427 (iii) the ~~[-signature of each complainant]~~ complainant's signature.

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

429 **JR6-3-102 . Privacy of ethics complaints -- Contempt -- Enforcement of finding**

430 **of contempt -- Dismissal.**

431 (1)(a) Except as provided in Subsection (1)(b), ~~[a person]~~ an individual, including the

432 complainants, the respondent, commission members, a committee chair or vice chair,

433 or staff to the commission or a committee, may not disclose:

- 434 (i) the identity of any complainant or the respondent;
- 435 (ii) the existence of a complaint ~~[-a response, nor]~~ or a response; or
- 436 (iii) any information concerning any alleged violation that is the subject of a

- 437 complaint.
- 438 (b) The restrictions in Subsection (1)(a) do not apply to:
- 439 (i) a complaint or response that is [~~publicly released by the commission and~~]referred
- 440 to an ethics committee for review under the procedures and requirements of
- 441 JR6-4-204[~~, and the allegations contained in the publicly released complaint or~~
- 442 ~~response];~~
- 443 [(~~ii~~) (ii) the respondent's voluntary disclosure of a finding by the commission that no
- 444 allegations in a complaint were proved, after that finding is issued by the
- 445 commission under the procedures and requirements of JR6-4-204;]
- 446 [(~~iii~~) (ii) disclosing facts or allegations about potential criminal violations to law
- 447 enforcement authorities;
- 448 [(~~iv~~) (iii) a disclosure by a respondent that is made solely for the purpose of, and only
- 449 to the extent necessary for, retaining counsel[ ~~or conducting an interview~~], seeking
- 450 evidence, or taking other action to prepare to defend against a complaint;
- 451 [(~~v~~) (iv) a communication between a commission or committee member and the
- 452 commission's or committee's attorneys or staff; or
- 453 [(~~vi~~) (v) a disclosure to a person that is determined necessary, by a majority vote of
- 454 the commission or committee, to conduct the duties of the commission or
- 455 committee.
- 456 (2) When [~~a person~~] an individual makes a disclosure under Subsection [(~~1~~)(b)(~~iv~~) or (~~vi~~),]
- 457 (1)(b)(iii) or (v), the [~~person~~] individual making the disclosure shall inform the person to
- 458 whom the disclosure is made of the nondisclosure requirements described in this section.
- 459 (3) [~~A person~~] An individual who violates the provisions of Subsection (1)(a) is in
- 460 contempt of the Legislature and proceedings may be initiated to enforce the finding of
- 461 contempt using the procedures provided in JR6-2-304 and Utah Code Section 36-14-5.
- 462 (4) Except as provided in JR6-4-101(3), if the identity of the legislator who is the subject of
- 463 an ethics complaint or the identity of the filer of an ethics complaint is publicly
- 464 disclosed during the period that the Independent Legislative Ethics Commission is
- 465 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 --**  
 468 **Independent requirements for complaint -- Notice.**

- 469 (1) Within five business days after receipt of a complaint,[ ~~the staff of the Independent~~
- 470 ~~Legislative Ethics Commission]~~ commission staff, in consultation with the [~~chair of the~~]

471 commission chair and vice-chair, shall examine the complaint to determine if it is in  
472 compliance with JR6-2-201 or JR6-3-101.

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

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

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

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

478 (ii) notify the president of the Senate and the chair and vice-chair of the Senate Ethics  
479 Committee, if the legislator named in the complaint is a senator, or the speaker of  
480 the House of Representatives and the chair and vice-chair of the House Ethics  
481 Committee, if the legislator named in the complaint is a representative, that:

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

484 (B) the fact that a complaint was filed and returned shall be kept confidential until  
485 the commission submits its annual summary data report as required by  
486 JR6-2-104.

487 (b) If a complaint is returned for non-compliance with the requirements of this title, the  
488 complainants may file another complaint if the new complaint independently meets  
489 the requirements of JR6-3-101, including any requirements for timely filing.

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

492 (a) accept the complaint;

493 (b) notify the president of the Senate and the chair and vice-chair of the Senate Ethics  
494 Committee, if the legislator named in the complaint is a senator, or the speaker of the  
495 House of Representatives and the chair and vice-chair of the House Ethics  
496 Committee, if the legislator named in the complaint is a representative:

497 (i) that a complaint has been filed against a member of the Senate or House,  
498 respectively;

499 (ii) of the identity of the legislator who is the subject of the complaint and the identity  
500 of the [~~person or persons~~] individuals filing the complaint;

501 (iii) of the nature of the allegations contained in the complaint; and

502 (iv) of the fact that a complaint was filed and the nature of the allegations raised in  
503 the complaint shall be kept confidential until the commission discloses the  
504 existence of the complaint via:

- 505           (A) a recommendation to a legislative ethics committee under JR6-4-204; or  
 506           (B) the commission's submission of the annual summary data report under  
 507                 JR6-2-104;  
 508           (iv) ~~that the fact that a complaint was filed, the nature of the allegations raised in the~~  
 509                 ~~complaint, and the identity of the legislator and the complainants shall be kept~~  
 510                 ~~confidential until the commission publicly discloses the existence of the complaint~~  
 511                 ~~via:]~~  
 512           ~~[(A) a recommendation that an allegation in the complaint be heard by a~~  
 513                 ~~legislative ethics committee; or]~~  
 514           ~~[(B) submission of the commission's annual summary data report as required by~~  
 515                 ~~JR6-2-104;]~~  
 516           (c) notify each member of the Independent Legislative Ethics Commission that the  
 517                 complaint has been filed and accepted and that the existence of and contents of the  
 518                 complaint and the identities of the parties shall be kept confidential; and  
 519           (d) promptly forward the complaint to the legislator who is the subject of the ethics  
 520                 complaint via personal delivery or a delivery method that provides verification of  
 521                 receipt, together with:  
 522                 (i) notice that the existence of and contents of the complaint, and the identities of the  
 523                 parties, are confidential and should not be publicly disclosed;  
 524                 (ii) a copy of the applicable legislative rules; and  
 525                 (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**  
 528           **review of complaint -- Procedures.**

529           By no later than 10 calendar days after the day on which the complaint is accepted under  
 530           JR6-4-101, the commission chair shall:

- 531           (1) schedule a commission meeting on a date no later than 60 calendar days after the date  
 532                 on which ~~[the committee]~~ commission staff, in consultation with the commission chair  
 533                 and ~~[vice chair]~~ vice-chair, accept the complaint;  
 534           (2) place the complaint on the agenda for consideration at that meeting;  
 535           (3) provide notice of the date, time, and location of the meeting to:  
 536                 (a) the members of the commission;  
 537                 (b) the first complainant named in the complaint; and  
 538                 (c) the respondent; and

539 (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.**

542 (1) The legislator that is the subject of the complaint may file a response to the complaint  
543 no later than 30 days after the day on which the legislator receives delivery of the  
544 complaint.

545 (2) The respondent shall file the response with the commission and shall ensure that the  
546 response is in writing and contains the following information:

547 (a) the respondent's name, address, and telephone number~~[-of the respondent]~~;

548 (b) for each alleged violation in the complaint:

549 (i) each affirmative defense asserted in response to the allegation, including a general  
550 description of each affirmative defense and the facts and circumstances supporting  
551 the defense to be provided by one or more affidavits~~[-, each of which shall comply~~  
552 ~~with the following format]~~ that include the following:

553 (A) the name, address, and telephone number of the signer;

554 (B) a statement that the signer has personal knowledge of the facts and  
555 circumstances alleged in the affidavit;

556 (C) the facts and circumstances testified to by the signer;

557 (D) a statement that the affidavit is ~~[believed to be-]~~true and correct~~[-and that false~~  
558 ~~statements are subject to penalties-]~~ , under penalty of perjury; and

559 (E) the signature of the signer; and

560 (ii) the facts and circumstances refuting the allegation, which shall be provided by:

561 (A) copies of official records or documentary evidence; or

562 (B) one or more affidavits~~[-, each of which shall comply with the following format]~~  
563 that include the following:

564 (I) the name, address, and telephone number of the signer;

565 (II) a statement that the signer has personal knowledge of the facts and  
566 circumstances alleged in the affidavit;

567 (III) the facts and circumstances testified to by the signer;

568 (IV) a statement that the affidavit is ~~[believed to be-]~~true and correct~~[-and that~~  
569 ~~false statements are subject to penalties]~~ , under penalty of perjury; and

570 (V) the signature of the signer;

571 (c) a list of the witnesses that the respondent wishes to have called, including an  
572 affidavit for each witness that includes the following:

- 573 (i) the witness's name, address, and~~[, if available, telephone number of the witness]~~  
 574 telephone number;
- 575 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness  
 576 will provide;
- 577 (iii) a specific description of any documents or evidence the respondent desires the  
 578 witness to produce;
- 579 (iv) a statement that the affidavit is true and correct, under penalty of perjury; and  
 580 (v) the witness's signature; and
- 581 (d) an affidavit that includes the following:
- 582 (i) a statement that the respondent:
- 583 ~~[(†)]~~ (A) has reviewed the allegations contained in the complaint and the sworn  
 584 statements and documents attached to the response; and
- 585 ~~[(†)]~~ (B) believes the contents of the response to be true and accurate;~~[-and]~~
- 586 (ii) a statement that the affidavit is true and correct, under penalty of perjury; and  
 587 ~~[(e)]~~ (iii) the [signature of the respondent] respondent's signature.
- 588 (3) Promptly after receiving the response, ~~[the-]~~commission staff shall provide ~~[copies]~~ a  
 589 copy of the response to:
- 590 (a) each member of the commission; and
- 591 (b) the first named complainant on the complaint.
- 592 Section 12. **JR6-4-204** is amended to read:
- 593 **JR6-4-204 . Recommendations of commission.**
- 594 (1) If the commission determines that no allegations in the complaint were proved, the  
 595 commission shall:
- 596 (a) issue and enter into the record an order that the complaint is dismissed because no  
 597 allegations in the complaint were found to have been proved;
- 598 (b) classify all recordings, testimony, evidence, orders, findings, and other records  
 599 directly relating to the meetings authorized by this part as private records under Utah  
 600 Code Section 63G-2-302;
- 601 (c) provide notice of the determination, in a manner determined by a majority vote of the  
 602 commission, to:
- 603 (i) the respondent; and
- 604 (ii) the first complainant named on the complaint; and
- 605 (d) provide notice to each ~~[person-]~~ individual named in Subsection (1)(c) that, under the  
 606 provisions of JR6-3-102 and other provisions of this title, a person who discloses the

- 607 findings of the commission in violation of any provision of this chapter is in  
608 contempt of the Legislature and is subject to penalties for contempt.
- 609 (2) If the commission determines that one or more of the allegations in the complaint were  
610 proved, the commission shall:
- 611 (a) if one or more allegations were not found to have been proven, enter into the record  
612 an order dismissing those unproven allegations;
  - 613 (b) prepare a written recommendation to the Senate Ethics Committee, if the respondent  
614 is a senator, or to the House Ethics Committee, if the respondent is a representative,  
615 that:
    - 616 (i) lists the name of each complainant;
    - 617 (ii) lists the name of the respondent;
    - 618 (iii) states the date of the recommendation;
    - 619 (iv) for each allegation that was found to be proven:
      - 620 (A) provides a reference to the code of conduct or criminal provision allegedly  
621 violated;
      - 622 (B) states the number and names of commission members voting that the  
623 allegation was proved and the number and names of commission members  
624 voting that the allegation was not proved;
      - 625 (C) at the option of those members voting that the allegation was proved, includes  
626 a statement by one or all of those members stating the reasons for voting that  
627 the allegation was proved, provided that the statement does not cite specific  
628 evidence, specific testimony, or specific witnesses; and
      - 629 (D) at the option of those members voting that the allegation was not proved,  
630 includes a statement by one or all of those members stating the reasons for  
631 voting that the allegation was not proved, provided that the statement does not  
632 cite specific evidence, specific testimony, or specific witnesses;
    - 633 (v) contains any general statement that is adopted for inclusion in the  
634 recommendation by a majority of the members of the commission;
    - 635 (vi) contains a statement referring the allegations found to have been proved to the  
636 appropriate ethics committee for review;
    - 637 (vii) states the name of each member of the commission; and
    - 638 (viii) is signed by each commission member; and
  - 639 ~~[(e) direct staff to publicly release the recommendation, the complaint, and the response,~~  
640 ~~subject to the redaction of any allegations that were dismissed by the commission; and]~~

641           ~~[(d)]~~ (c) classify all other recordings, testimony, evidence, orders, findings, and other  
642           records directly relating to the meetings and hearings authorized by this part as  
643           private records under Utah Code Section 63G-2-302.

644       (3) The commission shall ensure that a copy of the recommendation is ~~[made publicly~~  
645       ~~available and]~~ promptly provided to:

646           (a) the respondent, together with notice that the respondent may amend the respondent's  
647           witness list as provided in JR6-4-301;

648           (b) the first complainant named on the complaint, together with notice that the  
649           complainants may amend their witness list as provided in JR6-4-301; and

650           (c) the chair and vice chair of the Senate Ethics Committee, if the respondent is a  
651           senator, or the chair and vice chair of the House Ethics Committee, if the respondent  
652           is a representative.

653       (4) The commission shall ensure that, within five business days of the date of issuance of  
654       the recommendation:

655           (a) the complaint and the response are redacted to remove references to those allegations  
656           found not to have been proven by the commission, if one or more allegations were  
657           found not to have been proven; and

658           (b) the following documents are ~~[made publicly available and are]~~ provided to the chair  
659           and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the  
660           chair and vice chair of the House Ethics Committee, if the respondent is a  
661           representative:

662           (i) a cover letter referring the allegations contained in the ~~[edited]~~ redacted complaint  
663           to the ethics committee for the committee's review;

664           (ii) a copy of the ~~[edited]~~ redacted complaint;

665           (iii) a copy of the ~~[edited]~~ redacted response; and

666           (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.**

669       (1) The scope of the committee's review is limited to the alleged violations found to have  
670       been proven by the commission, as pled in the ~~[edited]~~ redacted complaint and the [  
671       ~~edited]~~ redacted response provided by the commission.

672       (2)(a) Before holding the hearing for review of the complaint as scheduled in JR6-4-301,  
673       the chair may schedule a separate meeting of the committee to:

674           (i) hear motions or arguments from the parties, including hearing motions or

- 675 arguments relating to dismissal of a complaint, admission of evidence, or  
 676 procedures; or
- 677 (ii) hold a vote of the committee, with or without the attendance of the parties, on  
 678 procedural or committee business matters relating to a complaint.
- 679 (b) Notwithstanding JR6-4-301, the committee may, by a majority vote, change the date  
 680 of the hearing scheduled in JR6-4-301 in order to accommodate:
- 681 (i) a meeting authorized under Subsection (2)(a); or  
 682 (ii) necessary scheduling requirements.
- 683 (3)(a) The committee shall comply with the Utah Rules of Evidence, except where the  
 684 committee determines, by majority vote, that a rule is not compatible with the  
 685 requirements of this title.
- 686 (b)(i) [The-] Except as provided in Subsection (3)(b)(ii), the chair shall make rulings  
 687 on admissibility of evidence consistent with the provisions of JR6-4-202.
- 688 (ii) When ruling on an evidentiary matter, the chair may designate a member of the  
 689 committee who has legal expertise to preside.
- 690 (4)(a) A meeting or hearing held under this Chapter 4, Part 3, Review of Ethics  
 691 Complaint by Ethics Committee:
- 692 (i) is subject to the requirements of Utah Code Title 52, Chapter 4, Open and Public  
 693 Meetings Act; and
- 694 (ii) may be closed by a majority vote of the committee, held in the public portion of  
 695 the meeting, for:
- 696 (A) any purpose permitted under Utah Code Section 52-4-205;  
 697 (B) the purpose of discussing legal, evidentiary, or procedural matters with the  
 698 committee or staff; or  
 699 (C) deliberations, as provided in JR6-4-304.
- 700 (b) Only committee members, committee staff, and necessary security personnel may  
 701 attend a closed meeting.
- 702 (5) If a majority of the committee determines that a continuance of a meeting or hearing is  
 703 necessary to obtain further evidence and testimony, to accommodate administrative  
 704 needs, or to accommodate the attendance of committee members, witnesses, or a party,  
 705 the chair or committee shall:
- 706 (a) adjourn and continue the hearing or meeting to a future date and time; and  
 707 (b) establish ~~[that]~~ the future date and time by majority vote.
- 708 Section 14. **Effective Date.**

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