

**Senator Leonard M. Blackham** proposes to substitute the following bill:

**SENATE RULES RESOLUTION - RULES  
COMMITTEE AND LOBBYING PRACTICES**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: L. Steven Poulton**

A RESOLUTION OF THE SENATE REVISING SENATE RULES; ESTABLISHING THE  
POWERS OF THE SENATE RULES COMMITTEE; ENACTING SENATE RULES  
RELATING TO LOBBYISTS; DEFINING TERMS; PROHIBITING CERTAIN PRACTICES;  
ESTABLISHING A COMPLAINT, INVESTIGATION, AND ENFORCEMENT PROCESS FOR  
VIOLATIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE  
DATE.

This resolution affects legislative rules as follows:

AMENDS:

**SR-20.05**

**SR-25.01**

ENACTS:

**SR-38.01**

**SR-38.02**

**SR-38.03**

**SR-38.04**

**SR-38.05**

REPEALS AND REENACTS:

**SR-24.01**

**SR-24.02**

**SR-24.03**

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

27 Section 1. **SR-20.05** is amended to read:

28 **SR-20.05. Duties of the President.**

29 (1) The general duties of the President are to:

30 [(1)] (a) assign responsibilities to and supervise the officers and employees of the Senate;

31 [(2)] (b) assign places and determine access for news media representatives;

32 [(3)] (c) call the Senate to order at the time scheduled for convening, and proceed with the  
33 daily order of business;

34 [(4)] (d) announce the business before the Senate in the order it is to be acted upon;

35 [(5)] (e) receive and submit in the proper manner all motions and proposals presented by  
36 Senators;

37 [(6) (a) ~~except as provided in SR-23.13, assign all bills to a standing committee; and]~~

38 [(b) ~~during the interim, assign prefiled bills to an interim committee;]~~

39 [(7) (a) ~~order a bill printed in the number of copies he considers necessary as provided in  
40 JR-4.29; or]~~

41 [(b) ~~if a bill has already been printed in the House, notify the person or committee in the  
42 House responsible for ordering the printing of bills before ordering an identical Senate bill  
43 printed;]~~

44 [(8)] (f) put to a vote all questions which arise in the course of the proceedings, and  
45 announce the results of the vote;

46 [(9)] (g) enforce the rules of order during debate;

47 [(10)] (h) enforce observance of order and decorum;

48 [(11)] (i) inform the Senate on any point of order or practice;

49 [(12)] (j) receive and announce to the Senate any official messages and communications;

50 [(13)] (k) sign all acts, orders, and proceedings of the Senate;

51 [(14)] (l) appoint the members of committees;

52 [(15)] (m) represent the Senate, declaring its will and obeying its commands; and

53 [(16)] (n) sign or authorize a designee to sign all requisitions on the Division of Finance  
54 to pay Senate expenses.

55 (2) The President shall give final approval of all expenditure requests as authorized by the  
56 majority and minority leaders of the Senate[. ~~These include~~], including per diem compensation

57 [and], travel expenses, and in-state and out-of-state travel on legislative business.

58 Section 2. **SR-24.01** is repealed and reenacted to read:

59 **SR-24.01. Senate Rules Committee.**

60 (1) All legislation introduced shall be submitted to the Senate Rules Committee.

61 (2) The Senate Rules Committee shall:

62 (a) prepare the Senate Rules and Joint Rules and report them to the Senate for approval,  
63 amendment, or disapproval before adjournment on the second day of each annual general session;

64 (b) examine each bill for proper form and order the bills printed;

65 (c) refer each bill to the Senate with a recommendation that:

66 (i) the legislation be referred to a standing committee for consideration;

67 (ii) the legislation be placed directly onto the second reading calendar;

68 (iii) the legislation be read the second time and placed onto the consent calendar; or

69 (d) during the last week of the legislative session, the legislation be read the second time  
70 and placed onto the third reading calendar.

71 (3) Before sending a bill to a standing committee, the Senate Rules Committee, in carrying  
72 out its responsibilities under Subsection (2), may amend or substitute a bill only if the committee  
73 has the written consent of the sponsor.

74 Section 3. **SR-24.02** is repealed and reenacted to read:

75 **SR-24.02. Senate Rules Committee to Establish Calendar.**

76 The Senate Rules Committee shall prioritize every bill for committee and floor action and  
77 review and update this priority as necessary for the calendar.

78 Section 4. **SR-24.03** is repealed and reenacted to read:

79 **SR-24.03. Legislation Scheduled for Time Certain has Priority in Committee.**

80 (1) The Senate Rules Committee may recommend a time certain for floor consideration  
81 of any bill when it is reported out of the Senate Rules Committee, or at any time after the bill is  
82 reported out of the Senate Rules Committee.

83 (2) A bill scheduled for a time certain has priority status in the standing committee to  
84 which it is assigned.

85 Section 5. **SR-25.01** is amended to read:

86 **SR-25.01. Calendaring Interim Committee Bills.**

87 (1) An interim committee bill [which] that has been approved by a majority vote of the

88 interim committee members, shall be read for the first time and referred to the [President of the  
89 Senate] Rules Committee for calendaring.

90 (2) The [President] Rules Committee may refer the bill to the calendar without standing  
91 committee review, or may refer the bill to a standing committee.

92 (3) (a) If the [President] Rules Committee calendars the bill without standing committee  
93 review, the sponsor or any three Senators may, within two working days, request that the bill be  
94 reviewed by a standing committee [~~prior to a~~] before the bill's consideration on the floor.

95 (b) The President shall then assign the bill to the appropriate committee.

96 Section 6. **SR-38.01** is enacted to read:

97 **SR-38.01. Definitions.**

98 As used in this Senate Rule:

99 (1) (a) "Government official" means:

100 (i) an individual elected to a position in state or local government when acting within his  
101 official capacity; and

102 (ii) an individual appointed to or employed in a full-time or part-time position by state or  
103 local government when acting within the scope of employment or within his official capacity.

104 (b) "Government official" does not mean a member of the legislative branch of state  
105 government.

106 (2) "Lobbyist" has the meaning identified in Subsections 36-11-102(9)(a) and (b).

107 (3) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in  
108 lobbying within the meaning of Subsection 36-11-102(8).

109 (b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own  
110 behalf to engage in lobbying within the meaning of Subsection 36-11-102(8).

111 Section 7. **SR-38.02** is enacted to read:

112 **SR-38.02. Lobbyist Code of Ethics.**

113 A lobbyist, volunteer lobbyist, or government official may not:

114 (1) attempt to influence any legislator or legislative employee by means of deceit or by  
115 threat of violence or economic or political reprisal against any person or property, with intent by  
116 doing so to alter or affect the legislator's or legislative employee's decision, vote, opinion, or action  
117 concerning any matter that is to be considered or performed by him or the agency or body of which  
118 he is a member;

119           (2) knowingly provide false information to any legislator or legislative employee as to any  
120 material fact pertaining to any legislation;

121           (3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist  
122 registration and lobbyist disclosure reports;

123           (4) participate in leadership races of the Senate;

124           (5) cause or influence the introduction of any bill or amendment for the purpose of  
125 afterwards becoming employed to secure its passage or defeat;

126           (6) engage in sexually harassing behavior or behavior violative of the Utah Legislature's  
127 sexual harassment policy towards legislators or employees of the Legislature;

128           (7) offer employment that would require or induce a legislator or legislative employee to  
129 disclose records classified as private, protected, or controlled;

130           (8) use or disclose for any purpose any records classified as private, protected, or  
131 controlled that were obtained from a legislator or legislative employee or conspire with any person  
132 for that purpose; or

133           (9) induce or seek to induce any legislator or legislative employee into committing a  
134 violation of any provision of this Senate rule.

135           Section 8. **SR-38.03** is enacted to read:

136           **SR-38.03. Enforcement; Written Complaint.**

137           (1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government  
138 official who has violated the Lobbyist Code of Ethics established in SR-38.02, two Senators from  
139 one party and one Senator from another party shall sign and file a written complaint with the  
140 President of the Senate.

141           (2) The written complaint shall contain:

142           (a) the name of each of the Senators who is filing the complaint;

143           (b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject  
144 of the complaint;

145           (c) the nature of the alleged violation, citing specifically to the provisions of SR-38.02 that  
146 the lobbyist, volunteer lobbyist, or government official is alleged to have violated;

147           (d) all documents that support the complaint as an attachment to it; and

148           (e) any facts alleged to support the complaint.

149           (3) (a) Any complaint filed under this rule is a protected record under Title 63, Chapter

150 2, Government Records Access and Management Act, until referred to the Investigating  
151 Committee for action, because disclosure of the information in the complaint would constitute a  
152 clearly unwarranted invasion of personal privacy whose disclosure is not in the public interest.

153 (b) Any complaint filed under this rule that is withdrawn by the complainants is a  
154 protected record under Title 63, Chapter 2, Government Records Access and Management Act,  
155 because disclosure of the information in the complaint would constitute a clearly unwarranted  
156 invasion of personal privacy whose disclosure is not in the public interest.

157 Section 9. **SR-38.04** is enacted to read:

158 **SR-38.04. Enforcement; Meeting of the parties and witnesses.**

159 (1) After receiving the complaint, the President shall meet with the legislators who filed  
160 the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the  
161 complaint, and any other persons who have relevant information about the complaint.

162 (2) If, after that meeting, all three of the Senators who signed the complaint wish to  
163 proceed with the complaint, they shall, within 14 calendar days from the date of the meeting, send  
164 a letter to the President requesting that the President appoint a committee to investigate the  
165 complaint.

166 Section 10. **SR-38.05** is enacted to read:

167 **SR-38.05. Enforcement -- Investigating Committee.**

168 (1) (a) Within 14 calendar days after receipt of a letter requesting the appointment of a  
169 committee to investigate the complaint, the President shall:

170 (i) appoint a committee composed of five members, three from the majority party and two  
171 from the minority party, to investigate the complaint; and

172 (ii) designate one Senator as the committee chair.

173 (b) The President may not appoint a Senator who signed the complaint to the Investigating  
174 Committee.

175 (2) (a) The chair of the committee shall schedule a committee meeting to investigate the  
176 complaint.

177 (b) (i) The committee shall comply with the procedures and requirements of Title 52,  
178 Chapter 4, Open and Public Meetings, including the procedures and requirements for closing a  
179 meeting.

180 (ii) The Office of Legislative Research and General Counsel shall staff the committee.

181 (c) (i) At the hearing, the committee shall review the complaint.

182 (ii) The committee may allow the legislators who filed the complaint to address and be  
183 questioned by the committee.

184 (iii) The committee shall provide the lobbyist, volunteer lobbyist, or government official  
185 who is the subject of the complaint with the opportunity to address and be questioned by the  
186 committee.

187 (iv) The committee may allow other persons with information relevant to the complaint  
188 to address and be questioned by the committee.

189 (v) (A) The complainants, the lobbyist, volunteer lobbyist, or government official, and any  
190 witness appearing before the committee may have legal counsel present.

191 (B) That counsel may privately advise their client about the client's legal rights when  
192 specifically requested to do so by their client, but may not address the committee, ask questions  
193 of any party or witness, or engage in oral arguments with the committee.

194 (C) If counsel fails to abide by any of these rules, the committee may exclude the counsel  
195 from the meeting.

196 (d) Upon completion of the investigation, the committee shall report to the President  
197 recommending what action, if any, should be taken against the lobbyist, volunteer lobbyist, or  
198 government official.

199 (3) The President, after reviewing the committee's recommendation, may take appropriate  
200 action.

201 **Section 11. Effective date.**

202 This resolution takes effect upon approval by a constitutional majority vote of all members  
203 of the Senate.