

1 **RESOLUTION AMENDING JOINT RULES**
2 **REGARDING CONFLICTS OF INTEREST**

3 2005 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: John Dougall**

7 **LONG TITLE**

8 **General Description:**

9 This bill conforms legislative rules governing conflict of interest to statutes governing
10 conflicts of interest.

11 **Highlighted Provisions:**

12 This resolution:

13 ▶ provides notice in rule of statutory requirements with criminal penalties that govern
14 legislator conflict of interest.

15 **Special Clauses:**

16 This resolution provides an immediate effective date.

17 **Legislative Rules Affected:**

18 AMENDS:

19 **JR-16.03**

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

22 Section 1. **JR-16.03** is amended to read:

23 **JR-16.03. Code of Official Conduct.**

24 In judging its members, the Senate and House Ethics Committees have the following
25 guidelines:

26 (1) (a) Members of the Senate and House shall not engage in any employment or other
27 activity that would destroy or impair their independence of judgment.



28 (b) Members of the Senate and House may not be paid by a person, as defined in Joint
29 Rule 16.06, to lobby, consult, or to further the interests of any legislation or legislative matter.

30 (2) Members of the Senate and House shall not exercise any undue influence on any
31 governmental entity.

32 (3) Members of the Senate and House shall not engage in any activity that would be an
33 abuse of official position or a violation of trust.

34 (4) Members of the Senate and House may engage in business or professional activity
35 in competition with others, but shall not use any information obtained by reason of their
36 official position to gain advantage over any competition for activities with the state and its
37 political subdivisions.

38 (5) Members of the Senate and House shall not engage in any business relationship or
39 activity that would require the disclosure of confidential information obtained because of their
40 official position.

41 (6) Members of the Senate and House shall not use their official position to secure
42 privileges for themselves or others.

43 (7) While in session, members of the Senate and House shall disclose any conflict of
44 interest on any legislation or legislative matter as provided in JR-16.05.

45 (8) Members of the Senate and House may accept small gifts, awards, or contributions
46 if these favors do not influence them in the discharge of official duties.

47 (9) ~~Members~~ Except as provided in Subsection (10), members of the Senate and the
48 House may engage in business or professional activities with the state or its political
49 subdivisions if the activities are entered into under the same conditions and in the same manner
50 applicable to any private citizen or company engaged in similar activities. Legislators may
51 enter into transactions with the state by contract by following the procedures and requirements
52 of Title 63, Chapter 56, Utah Procurement Code.

53 (10) (a) As also required by Section 36-19-1, a legislator, member of his household, or
54 client may not be a party to or have an interest in the profits or benefits of a state contract when
55 the state contract is the direct result of a bill sponsored by the legislator, unless the contract is
56 let in compliance with state procurement policies and is open to the general public.

57 (b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that
58 any person violating this section is guilty of a class B misdemeanor.

59 Section 2. **Effective date.**

60 This resolution takes effect upon approval by a constitutional majority vote of all

61 members of the Senate and House of Representatives.

Legislative Review Note

as of 1-14-05 12:38 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Legislative Committee Note

as of 01-14-05 3:52 PM

The Joint House and Senate Rules Committee recommended this bill.

Fiscal Note
Bill Number HJR009

Resolution Amending Joint Rules Regarding Conflicts of Interest

19-Jan-05

9:55 AM

State Impact

Provisions of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst