

Representative Wayne A. Harper proposes the following substitute bill:

JOINT RESOLUTION ON JOINT RULES CHANGES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This resolution of the Legislature modifies joint rules.

Highlighted Provisions:

This resolution:

- ▶ modifies provisions governing the reservation of bill numbers;
- ▶ modifies the Code of Official Conduct;
- ▶ eliminates, in legislative rule, ethics training for lobbyists; and
- ▶ makes technical changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR4-2-502

JR6-1-102

JR6-1-301

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

Section 1. **JR4-2-502** is amended to read:



26 **JR4-2-502. Reservation of Bill Numbers.**

27 (1) In annual general legislative sessions occurring in odd-numbered years:

28 (a) House Bill 1 is reserved for the State Agency and Higher Education Base Budget
29 bill and Senate Bill 1 is reserved for the [~~Minimum School Program~~] Public Education Base
30 Budget Amendments bill;

31 (b) House Bill 2 is reserved for the [~~Minimum School Program~~] Public Education
32 Budget Amendments bill and Senate Bill 2 is reserved for the New Fiscal Year Supplemental
33 Appropriations Act; and

34 (c) House Bill 3 is reserved for the Current Fiscal Year Supplemental Appropriations
35 bill, and Senate Bill 3 is reserved for the Appropriations Adjustments bill.

36 (2) In annual general legislative sessions occurring in even-numbered years:

37 (a) House Bill 1 is reserved for the [~~Minimum School Program~~] Public Education Base
38 Budget Amendments bill and Senate Bill 1 is reserved for the State Agency and Higher
39 Education Base Budget bill;

40 (b) House Bill 2 is reserved for the New Fiscal Year Supplemental Appropriations Act
41 and Senate Bill 2 is reserved for the [~~Minimum School Program~~] Public Education Budget
42 Amendments bill; and

43 (c) House Bill 3 is reserved for the Appropriations Adjustments bill, and Senate Bill 3
44 is reserved for the Current Fiscal Year Supplemental Appropriations bill.

45 (3) In each annual general legislative session, House Bills 4 through 9 and Senate Bills
46 4 through 9 are reserved for other appropriations and funding bills.

47 Section 2. **JR6-1-102** is amended to read:

48 **JR6-1-102. Code of Official Conduct.**

49 (1) Each legislator shall comply with the guidelines established in Subsection (2).

50 (2) In judging members of its house charged with an ethical violation, the Senate and
51 House Ethics Committees shall consider whether or not the member has violated any of the
52 following guidelines:

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

55 (b) Members of the Senate and House shall not be paid by a person, as defined in
56 JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.

57 **Ĥ→ [f] (c) Members of the Senate and House shall not exercise any undue influence on any**
 58 **governmental entity. [f] "Undue influence" means deceit or threat of violence.**

59 [f] (d) [f] [~~(c)~~] ←Ĥ Members of the Senate and House shall not engage in any activity
 59a that would
 60 be an abuse of official position or a violation of trust.

61 **Ĥ→ [f] (e) [f] [~~(d)~~] ←Ĥ** Members of the Senate and House [~~may engage in business or~~
 61a ~~professional~~
 62 ~~activity in competition with others, but~~] shall not use any nonpublic information obtained by
 63 reason of their official position to gain advantage over any business or professional competition
 64 for activities with the state and its political subdivisions.

65 **Ĥ→ [f] (f) [f] [~~(e)~~] ←Ĥ** Members of the Senate and House shall not engage in any business
 66 relationship or activity that would require the disclosure of confidential information obtained
 67 because of their official position.

68 **Ĥ→ [f] (g) [f] [~~(f)~~] ←Ĥ** Members of the Senate and House shall not use their official
 68a position to secure
 69 privileges for themselves or others.

70 **Ĥ→ [f] (h) [f] [~~(g)~~] ←Ĥ** While in session, members of the Senate and House shall
 70a disclose any conflict
 71 of interest on any legislation or legislative matter as provided in JR6-1-201.

72 **Ĥ→ [f] (i) [f] [~~(h)~~] ←Ĥ** Members of the Senate and House may accept small gifts, awards, or
 73 contributions if these favors do not influence them in the discharge of official duties.

74 **Ĥ→ [f] (j) [f] [~~(i)~~] ←Ĥ** Except as provided in Subsection (3), members of the Senate
 74a and the House
 75 may engage in business or professional activities with the state or its political subdivisions if
 76 the activities are entered into under the same conditions and in the same manner applicable to
 77 any private citizen or company engaged in similar activities.

78 **Ĥ→ [f] (k) [f] [~~(j)~~] ←Ĥ** Legislators may enter into transactions with the state by contract
 78a by following
 79 the procedures and requirements of Title [~~63~~] 63G, Chapter [~~56~~] 6, Utah Procurement Code.

80 (3) (a) As also required by Section 36-19-1, a legislator, member of the legislator's
 81 household, or client may not be a party to or have an interest in the profits or benefits of a state
 82 contract when the state contract is the direct result of a bill sponsored by the legislator, unless
 83 the contract is let in compliance with state procurement policies and is open to the general
 84 public.

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

87 Section 3. **JR6-1-301** is amended to read:

88 **JR6-1-301. Ethics Training Course -- Internet Availability -- Content --**
89 **Participation Tracking.**

90 (1) The Office of Legislative Research and General Counsel shall develop and
91 maintain an ethics training course for members of the Legislature [~~and lobbyists~~].

92 (2) The ethics training course shall include training materials and exercises that are
93 available on the Internet to legislators[~~, lobbyists,~~] and to the public.

94 (3) The ethics training course shall be designed to assist legislators [~~and lobbyists~~] in
95 understanding and complying with current ethical and campaign finance requirements under
96 state law, legislative rules, and federal law.

97 (4) The ethics training course shall include provisions for verifying when a legislator
98 [~~or lobbyist~~] has successfully completed key training exercises.

99 (5) A legislator [~~or lobbyist~~] shall successfully complete the key training exercises of
100 the ethics training course once each year or as directed by the Legislative Management
101 Committee.

102 [~~(6) A lobbyist who does not complete the training required by this rule is subject to an~~
103 ~~ethics complaint under Senate or House rule.]~~

FISCAL NOTE

H.J.R. 12 4th Sub. (Green)

SHORT TITLE: **Joint Resolution on Joint Rules Changes**

SPONSOR: **Harper, W.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.