

**JOINT RULES RESOLUTION PROVIDING ETHICS
REQUIREMENTS FOR LEGISLATORS ELECT**

2011 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This resolution amends the Code of Official Conduct to apply ethics requirements to legislators elect.

Highlighted Provisions:

This resolution:

- defines terms;
- amends the Code of Official Conduct to apply ethics requirements to legislators elect; and
- makes technical and conforming changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR6-1-102



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

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

JR6-1-102. Code of Official Conduct.

(1) As used in this section:

(a) "Legislator elect" means an individual who:

(i) has received a certificate of election from the lieutenant governor in accordance with Section 20A-4-306; and

(ii) has not begun the individual's term of office in accordance with Utah Constitution Article VI, Section 3 or 4.

(b) "Legislator elect" does not include an individual who becomes a legislator by appointment by the governor.

~~[(1)]~~ (2) Each legislator and legislator elect shall comply with the guidelines established in Subsection ~~[(2)]~~ (4).

~~[(2)]~~ (3) In judging ~~[members]~~ an ethics complaint that has been filed against a member of its house ~~[charged with an ethical violation]~~, the Senate and House Ethics Committees shall consider whether or not the member has violated ~~[any of the following guidelines:]~~ a guideline described in Subsection (4) during the time period that the member is a legislator or a legislator elect.

(4) A member of the Senate, a member of the House, or a legislator elect:

(a) ~~[Members of the Senate and House shall]~~ may not engage in any employment or other activity that would destroy or impair ~~[their]~~ the member's or legislator elect's independence of judgment~~[-];~~

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

(c) ~~[Members of the Senate and House shall]~~ may not exercise any undue influence on any governmental entity~~[-];~~

(d) ~~[Members of the Senate and House shall]~~ may not engage in any activity that would be an abuse of official position or a violation of trust~~[-];~~

(e) ~~[Members of the Senate and House]~~ may engage in business or professional activity

60 in competition with others, but ~~[shall]~~ may not use any information obtained by reason of
61 ~~[their]~~ the member's official position or legislator elect's status as a legislator elect to gain
62 advantage over any competition for activities with the state and its political subdivisions[?];

63 (f) ~~[Members of the Senate and House shall]~~ may not engage in any business
64 relationship or activity that would require the disclosure of confidential information obtained
65 because of ~~[their]~~ the member's official position[?] or legislator elect's status as a legislator
66 elect;

67 (g) ~~[Members of the Senate and House shall]~~ may not use ~~[their]~~ the member's official
68 position or legislator elect's status as a legislator elect to secure privileges for ~~[themselves]~~ the
69 member, legislator elect, or others[?];

70 (h) ~~[While]~~ while in session, ~~[members of the Senate and House]~~ shall disclose any
71 conflict of interest on any legislation or legislative matter as ~~[provided in]~~ required by
72 JR6-1-201[?];

73 (i) ~~[Members of the Senate and House]~~ may accept small gifts, awards, or contributions
74 if these favors do not influence ~~[them]~~ the member or legislator elect in the discharge of
75 official duties[?];

76 (j) ~~[Except]~~ except as provided in Subsection ~~[(3)]~~ (5), ~~[members of the Senate and the~~
77 ~~House]~~ may engage in business or professional activities with the state or its political
78 subdivisions if the activities are entered into under the same conditions and in the same manner
79 applicable to any private citizen or company engaged in similar activities[?]; and

80 (k) ~~[Legislators]~~ may enter into transactions with the state by contract by following the
81 procedures and requirements of Title ~~[63]~~ 63G, Chapter ~~[56]~~ 6, Utah Procurement Code.

82 ~~[(3)]~~ (5) (a) As also required by Section 36-19-1, a legislator, member of the
83 legislator's household, or client may not be a party to or have an interest in the profits or
84 benefits of a state contract when the state contract is the direct result of a bill sponsored by the
85 legislator, unless the contract is let in compliance with state procurement policies and is open
86 to the general public.

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

Legislative Review Note
as of 2-2-11 5:15 PM

Office of Legislative Research and General Counsel