

- 25           ▶ enacts provisions related to the commission's preliminary review and review of an
- 26 ethics violation;
- 27           ▶ authorizes a county to establish a county ethics commission;
- 28           ▶ amends provisions related to a closed public meeting;
- 29           ▶ amends provisions related to a private record;
- 30           ▶ removes a county from the authority of Title 67, Chapter 16, Utah Public Officers'
- 31 and Employees' Ethics Act;
- 32           ▶ enacts language related to filing a complaint for a violation of Title 67, Chapter 16,
- 33 Utah Public Officers' and Employees' Ethics Act; and
- 34           ▶ makes technical corrections.

35 **Money Appropriated in this Bill:**

36           None

37 **Other Special Clauses:**

38           ~~H~~→ ~~[None]~~ **This bill takes effect on September 1, 2012.** ←~~H~~

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41           **10-3-1311**, as enacted by Laws of Utah 1981, Chapter 57
- 42           **17-16a-11**, as enacted by Laws of Utah 1983, Chapter 46
- 43           **52-4-204**, as last amended by Laws of Utah 2010, Chapters 35 and 239
- 44           **63G-2-302**, as last amended by Laws of Utah 2011, Chapters 85, 327, and 413
- 45           **67-16-3**, as last amended by Laws of Utah 2008, Chapter 382
- 46           **67-16-4**, as last amended by Laws of Utah 2008, Chapter 382

47 ENACTS:

- 48           **11-49-101**, Utah Code Annotated 1953
- 49           **11-49-102**, Utah Code Annotated 1953
- 50           **11-49-103**, Utah Code Annotated 1953
- 51           **11-49-201**, Utah Code Annotated 1953
- 52           **11-49-202**, Utah Code Annotated 1953
- 53           **11-49-301**, Utah Code Annotated 1953
- 54           **11-49-302**, Utah Code Annotated 1953
- 55           **11-49-401**, Utah Code Annotated 1953

180 commission within the political subdivision to review a complaint against a political  
 181 subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and  
 182 Employees' Ethics Act.

183 (2) A political subdivision may enter into an interlocal agreement with another political  
 184 subdivision, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, to establish a  
 185 local political subdivision ethics commission to review a complaint against a political  
 186 subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and  
 187 Employees' Ethics Act.

188 (3) (a) A person filing a complaint for an ethics violation of Title 67, Chapter 16, Utah  
 189 Public Officers' and Employees' Ethics Act, shall file the complaint with:

190 (i) a local political subdivision ethics commission, if the political subdivision has  
 191 established a local political subdivision ethics commission under Subsection (1) or (2); or

192 (ii) the commission ~~§~~ → **if the political subdivision has not established a local political**  
 192a **subdivision ethics commission** ← ~~§~~ .

193 (b) A political subdivision that receives a complaint described in Subsection (3)(a)  
 194 may:

195 (i) accept the complaint if the political subdivision has established a local political  
 196 subdivision ethics commission in accordance with Subsection (1) or (2); or

197 (ii) forward the complaint to the commission:

198 (A) regardless of whether the political subdivision has established a local political  
 199 subdivision ethics commission; or

200 (B) if the political subdivision has not established a local political subdivision ethics  
 201 commission.

202 Section 5. Section **11-49-201** is enacted to read:

203 **Part 2. Political Subdivisions Ethics Review Commission**

204 **11-49-201. Commission established -- Membership.**

205 (1) There is established a Political Subdivisions Ethics Review Commission.

206 (2) The commission is composed of seven persons, each of whom is registered to vote  
 207 in this state and appointed by the governor with the advice and consent of the Senate, as  
 208 follows:

209 (a) one member who has served, but no longer serves, as a judge of a court of record in  
 210 this state;

800 (9) For a complaint described in Subsection (7), the commission members shall ensure  
801 that, within five business days after the day of the meeting described in Subsection (1)(a)(ii),  
802 the complaint is redacted to remove references to an allegation that is dismissed under this  
803 section.

804 (10) The chair shall ensure that a record of the meeting held under this section is kept  
805 in accordance with Section 11-49-702.

806 Section 21. Section **11-49-603** is enacted to read:

807 **11-49-603. Meeting of the Commission to review a complaint -- Procedures.**

808 By no later than 10 calendar days after the day on which a complaint is accepted under  
809 Section 11-49-602 for further review, the commission chair shall:

810 (1) schedule a commission meeting on a date no later than 45 calendar days after the  
811 date on which the commission ~~§~~ → **[accepts the complaint]** votes to forward a complaint for final  
811a **determination in accordance Section 11-49-602** ← ~~§~~ ;

812 (2) place the complaint on the agenda for consideration at the meeting described in  
813 Subsection (1);

814 (3) provide notice of the date, time, and location of the meeting:

815 (a) to:

816 (i) the members of the commission;

817 (ii) the first complainant named in the complaint; and

818 (iii) the respondent; and

819 (b) in accordance with Section 52-4-202; and

820 (4) provide a copy of the complaint or redacted complaint, as required in Section  
821 11-49-602, to each member of the commission.

822 Section 22. Section **11-49-604** is enacted to read:

823 **11-49-604. Response to ethics complaint -- Filing -- Form.**

824 (1) The political subdivision officer or employee who is the subject of the complaint  
825 may file a response to the complaint no later than 30 days after the day on which the officer or  
826 employee receives delivery of an order issued by the commission under Subsection  
827 11-49-602(7).

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

830 (a) the name, address, and telephone number of the respondent;

1048 Section 29. Section **17-16a-11** is amended to read:

1049 **17-16a-11. County ethics commission -- Complaints charging violations --**

1050 **Procedure.**

1051 (1) A county may establish by ordinance an ethics commission to review a complaint,  
 1052 except as provided in Subsection (3), against an officer or employee subject to this part for a  
 1053 violation of a provision of this part.

1054 (2) (a) Except as provided in Subsection (3), a person filing a complaint for a violation  
 1055 of this part shall file the complaint:

1056 (i) with the county ethics commission, if the county has established a county ethics  
 1057 commission in accordance with Subsection (1); or

1058 (ii) with the Political Subdivisions Ethics Review Commission established in  
 1059 accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission ~~§~~→ if the  
 1059a county has not established a county ethics commission ←~~§~~ .

1060 (b) A county that receives a complaint described in Subsection (2)(a) may:

1061 (i) accept the complaint if the county has established a county ethics commission in  
 1062 accordance with Subsection (1); or

1063 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission  
 1064 established in Section 11-49-201:

1065 (A) regardless of whether the county has established a county ethics commission; or

1066 (B) if the county has not established a county ethics commission.

1067 ~~[(+)]~~ (3) Any complaint against a person who is under the merit system, charging that  
 1068 person with a violation of this part, shall be filed and processed in accordance with the  
 1069 provisions of the merit system.

1070 ~~[(2) If the person charged with the violation is not under any merit system, then the~~  
 1071 ~~complaint shall be filed with the commission which shall investigate the complaint and shall~~  
 1072 ~~give the person an opportunity to be heard. A written report of the findings and the~~  
 1073 ~~recommendation of the commission shall be filed with the governing body. If the governing~~  
 1074 ~~body finds that the person has violated this part, it may dismiss, suspend, or take such other~~  
 1075 ~~appropriate action with respect to the person.]~~

1076 Section 30. Section **52-4-204** is amended to read:

1077 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
 1078 **meeting recorded.**

1296 Section 34. Section **67-16-15** is enacted to read:

1297 **67-16-15. Complaint -- Political Subdivisions Ethics Review Commission.**

1298 A person may file a complaint for an alleged violation of this chapter by a political

1299 subdivision officer or employee in accordance with Title 11, Chapter 49, Political Subdivisions

1300 Ethics Review Commission.

1300a **Ĥ→ Section 35. Effective date.**

1300b **This bill takes effect on September 1, 2012. ←Ĥ**