

1                   **JOINT RULES RESOLUTION MODIFYING ELIGIBILITY**  
2                   **REQUIREMENTS FOR INDEPENDENT LEGISLATIVE**  
3                   **ETHICS COMMISSION MEMBERS**

4                                   2014 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: John L. Valentine**

7                                   House Sponsor: Dean Sanpei

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9                   **LONG TITLE**

10                   **General Description:**

11                   This bill amends membership requirements for the Independent Legislative Ethics  
12                   Commission.

13                   **Highlighted Provisions:**

14                   This resolution:  
15                   ▶ modifies membership requirements for judges serving on the Independent  
16                   Legislative Ethics Commission.

17                   **Special Clauses:**

18                   None

19                   **Legislative Rules Affected:**

20                   AMENDS:

21                   **JR6-2-103**

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

24                   Section 1. **JR6-2-103** is amended to read:

25                   **JR6-2-103. Independent Legislative Ethics Commission -- Membership.**

26                   (1) There is established an Independent Legislative Ethics Commission.

27                   (2) The commission is composed of five persons, each of whom is registered to vote in  
28                   this state, appointed as follows:

29                   (a) two members, who have served[~~,-but no longer serve,]~~ as judges of a court of record

30 in this state, each of whom shall be nominated by the mutual consent of the president of the  
31 Senate and the speaker of the House, and appointed by a majority vote of the president of the  
32 Senate, speaker of the House, Senate minority leader, and House minority leader;

33 (b) one member, who has served~~[, but no longer serves,]~~ as a judge of a court of record  
34 in this state, nominated by the mutual consent of the Senate minority leader and the House  
35 minority leader, and appointed by a majority vote of the president of the Senate, speaker of the  
36 House, Senate minority leader, and House minority leader;

37 (c) one member, who has served as a member of the Legislature in this state no more  
38 recently than four years before the date of appointment, appointed by the mutual consent of the  
39 president of the Senate and the speaker of the House of Representatives; and

40 (d) one member, who has served as a member of the Legislature in this state no more  
41 recently than four years before the date of appointment, appointed by the mutual consent of the  
42 Senate minority leader and House minority leader.

43 (3) A member of the commission may not, during the member's term of office on the  
44 commission, act or serve as:

45 (a) an officeholder as defined in Section 20A-11-101;

46 (b) an agency head as defined in Section 67-16-3;

47 (c) a lobbyist as defined in Section 36-11-102; or

48 (d) a principal as defined in Section 36-11-102.

49 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
50 shall serve a four-year term.

51 (ii) When appointing the initial members upon formation of the commission, one  
52 member nominated by the president of the Senate and the speaker of the House of  
53 Representatives and one member nominated by the Senate minority leader and House minority  
54 leader shall be appointed to a two-year term so that approximately half of the commission is  
55 appointed every two years.

56 (b) (i) When a vacancy occurs in the commission's membership for any reason, a  
57 replacement member shall be appointed for the unexpired term of the vacating member using

58 the procedures and requirements of Subsection (2).

59 (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating  
60 member is not considered a full term.

61 (c) A member may not be appointed to serve for more than two full terms, whether  
62 those terms are two or four years.

63 (d) A member of the commission may resign from the commission by giving one  
64 month's written notice of the resignation to the president of the Senate, speaker of the House,  
65 Senate minority leader, and House minority leader.

66 (e) The chair of the Legislative Management Committee shall remove a member from  
67 the commission if the member:

68 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

69 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
70 turpitude; or

71 (iii) fails to meet the qualifications of office as provided in this rule.

72 (f) If a commission member is accused of wrongdoing in a complaint, or if a  
73 commission member determines that he or she has a conflict of interest in relation to a  
74 complaint, a temporary commission member shall be appointed to serve in that member's place  
75 for the purposes of reviewing that complaint using the procedures and requirements of  
76 Subsection (2).

77 (5) (a) A member of the commission may not receive compensation or benefits for the  
78 member's service, but may receive per diem and expenses incurred in the performance of the  
79 member's official duties at the rates established by the Division of Finance under Sections  
80 [63A-3-106](#) and [63A-3-107](#).

81 (b) A member may decline to receive per diem and expenses for the member's service.

82 (6) (a) The commission members shall convene a meeting annually each January and  
83 elect, by a majority vote, a commission chair from among the commission members.

84 (b) A person may not serve as chair for more than two consecutive years.

