

1 **EXECUTIVE BRANCH ETHICS COMMISSION AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Val L. Peterson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to the Executive Branch Ethics Commission.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that, if the commission determines that all allegations made against an
13 executive branch elected official are without merit, the executive branch elected
14 official ~~is entitled to~~ **may request** payment, by the state, of reasonable attorney fees and
14a costs for
15 legal representation during the complaint review process.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63A-14-708**, as enacted by Laws of Utah 2013, Chapter 426

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **63A-14-708** is amended to read:

26 **63A-14-708. Attorney fees and costs.**

27 (1) A complainant:



28 (a) may, but is not required to, retain legal representation during the complaint review
29 process; and

30 (b) is responsible for payment of the complainant's attorney fees and costs incurred.

31 (2) A respondent:

32 (a) may, but is not required to, retain legal representation during the complaint review
33 process; and

34 (b) except as provided in Subsection (3), is responsible for payment of the respondent's
35 attorney fees and costs incurred.

36 (3) ~~Ŝ~~ **Ŝ** ~~→ (a) ←Ŝ~~ If the commission determines that all allegations in the complaint are
36a without merit,

37 the respondent ~~Ŝ~~ **Ŝ** ~~→ [is entitled to payment, by the state,]~~ may file a request with the Executive
37a Appropriations Committee of the Legislature for the payment ~~←Ŝ~~ of reasonable attorney fees
37b and costs for
38 legal representation during the complaint review process.

38a ~~Ŝ~~ **Ŝ** ~~→ (b)~~ If the Executive Appropriations Committee of the Legislature receives a request
38b described in Subsection (3)(a), the Legislature may appropriate money to reimburse the
38c respondent for some or all of the reasonable attorney fees and costs described in Subsection
38d (3)(a). ~~←Ŝ~~

39 ~~[(3)]~~ (4) An attorney who participates in a hearing before the commission shall comply
40 with:

41 (a) the Rules of Professional Conduct established by the Utah Supreme Court;

42 (b) the procedures and requirements of this chapter; and

43 (c) the directions of the chair and the commission.

44 ~~[(4)]~~ (5) A violation of Subsection ~~[(3)]~~ (4) may constitute:

45 (a) contempt of the commission under Section 63A-14-705; or

46 (b) a violation of the Rules of Professional Conduct, subject to enforcement by the
47 Utah State Bar.