

1 **JOINT RULES RESOLUTION - TECHNICAL**
2 **CORRECTIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Timothy D. Hawkes**

6 Senate Sponsor: David G. Buxton

8 **LONG TITLE**

9 **General Description:**

10 This resolution modifies provisions of joint legislative rules to make technical
11 corrections.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ modifies provisions of joint legislative rules to make technical corrections,
15 including eliminating references to repealed rules provisions, eliminating redundant
16 or obsolete language, making minor wording changes, adjusting certain budget
17 deadlines to align with the new general session start date, and correcting errors.

18 **Special Clauses:**

19 None

20 **Legislative Rules Affected:**

21 AMENDS:

22 **JR3-2-402**

23 **JR4-1-202**

24 **JR4-2-101**

25 **JR4-2-102**

26 **JR4-2-201**

27 **JR4-2-502**

28 **JR4-2-505**

29 **JR4-3-108**

- 30 **JR4-3-110**
- 31 **JR4-4-202**
- 32 **JR4-4-301**
- 33 **JR5-2-103**
- 34 **JR5-3-101**
- 35 **JR6-1-102**
- 36 **JR6-1-103**
- 37 **JR6-1-201**
- 38 **JR6-1-202**
- 39 **JR6-2-103.5**
- 40 **JR6-2-306**
- 41 **JR7-1-101**
- 42 **JR7-1-310**

43

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

45 Section 1. **JR3-2-402** is amended to read:

46 **JR3-2-402. Executive appropriations -- Duties -- Base budgets.**

47 (1) (a) The Executive Appropriations Committee shall meet no later than the third
48 Wednesday in December to:

49 (i) direct staff as to what revenue estimate to use in preparing budget
50 recommendations, to include a forecast for federal fund receipts;

51 (ii) consider treating above-trend revenue growth as one-time revenue for major tax
52 types and for federal funds;

53 (iii) hear a report on the historical, current, and anticipated status of the following:

54 (A) debt;

55 (B) long term liabilities;

56 (C) contingent liabilities;

57 (D) General Fund borrowing;

- 58 (E) reserves;
- 59 (F) fund balances;
- 60 (G) nonlapsing appropriation balances;
- 61 (H) cash funded infrastructure investment; and
- 62 (I) changes in federal funds paid to the state;
- 63 (iv) hear a report on:
 - 64 (A) the next fiscal year base budget appropriation for Medicaid accountable care
 - 65 organizations according to Section [26-18-405.5](#);
 - 66 (B) an explanation of program funding needs;
 - 67 (C) estimates of overall medical inflation in the state; and
 - 68 (D) mandated program changes and their estimated cost impact on Medicaid
 - 69 accountable care organizations;
 - 70 (v) decide whether to set aside special allocations for the end of the session, including
 - 71 allocations:
 - 72 (A) to address any anticipated reduction in the amount of federal funds paid to the
 - 73 state; and
 - 74 (B) of one-time revenue to pay down debt and other liabilities;
 - 75 (vi) approve the appropriate amount for each subcommittee to use in preparing its
 - 76 budget;
 - 77 (vii) set a budget figure; and
 - 78 (viii) adopt a base budget in accordance with Subsection (1)(b) and direct the
 - 79 legislative fiscal analyst to prepare one or more appropriations acts appropriating one or more
 - 80 base budgets for the next fiscal year.
- 81 (b) In a base budget adopted under Subsection (1)(a), appropriations from the General
- 82 Fund, the Education Fund, and the Uniform School Fund shall be set as follows:
 - 83 (i) if the next fiscal year ongoing revenue estimates set under Subsection (1)(a)(i) are
 - 84 equal to or greater than the current fiscal year ongoing appropriations, the new fiscal year base
 - 85 budget is not changed;

86 (ii) if the next fiscal year ongoing revenue estimates set under Subsection (1)(a)(i) are
87 less than the current fiscal year ongoing appropriations, the new fiscal year base budget is
88 reduced by the same percentage that projected next fiscal year ongoing revenue estimates are
89 lower than the total of current fiscal year ongoing appropriations;

90 (iii) in making a reduction under Subsection (1)(b)(ii), appropriated debt service shall
91 not be reduced, and other ongoing appropriations shall be reduced, in an amount sufficient to
92 make the total ongoing appropriations, including the unadjusted debt service, equal to the
93 percentage calculated under Subsection (1)(b)(ii); and

94 (iv) the new fiscal year base budget shall include an appropriation to the Department of
95 Health for Medicaid accountable care organizations in the amount required by Section
96 [26-18-405.5](#).

97 (c) The chairs of each joint appropriations subcommittee are invited to attend this
98 meeting.

99 (2) All proposed budget items shall be submitted to one of the subcommittees named in
100 [JR3-2-302](#) for consideration and recommendation.

101 (3) (a) After receiving and reviewing subcommittee reports, the Executive
102 Appropriations Committee may refer the report back to a joint appropriations subcommittee
103 with any guidelines the Executive Appropriations Committee considers necessary to assist the
104 subcommittee in producing a balanced budget.

105 (b) The subcommittee shall meet to review the new guidelines and report the
106 adjustments to the chairs of the Executive Appropriations Committee as soon as possible.

107 (4) (a) After receiving the reports, the Executive Appropriations Committee chairs will
108 report them to the Executive Appropriations Committee.

109 (b) The Executive Appropriations Committee shall:

110 (i) make any further adjustments necessary to balance the budget; and

111 (ii) complete all decisions necessary to draft the final appropriations bills no later than
112 the ~~[39th]~~ last Friday before the 45th day of the annual general session.

113 Section 2. **JR4-1-202** is amended to read:

114 **JR4-1-202. Specific bill format requirements.**

115 (1) Each bill shall contain:

116 (a) a designation containing the information required by Subsection (2);

117 (b) a short title, which provides a short common description of the bill;

118 (c) the year and type of legislative session in which the bill is to be introduced;

119 (d) the phrase "State of Utah";

120 (e) the sponsor's name, after the heading "Chief Sponsor:";

121 (f) if the bill is a House bill that has passed third reading in the House, the Senate
122 sponsor's name after the heading "Senate Sponsor:";

123 (g) if the bill is a Senate bill that has passed third reading in the Senate, the House
124 sponsor's name after the heading "House Sponsor:";

125 ~~[(h) a list of cosponsors who are members of the same house as the chief sponsor, if~~
126 ~~any;]~~

127 ~~[(i)]~~ (h) a long title, which includes:

128 (i) a brief general description of the subject matter in the bill;

129 (ii) a list of each section of the Utah Code affected by the bill, which cites by statute
130 number those statutes that the bill proposes be amended, enacted, repealed and reenacted,
131 renumbered and amended, and repealed; and

132 (iii) for bills that contain an appropriation, the sum proposed to be appropriated by the
133 bill unless the bill is an appropriation bill or supplemental appropriation bill whose single
134 subject is the appropriation of money;

135 ~~[(j)]~~ (i) an enacting clause in the following form: "Be it enacted by the Legislature of
136 the state of Utah:"; and

137 ~~[(k)]~~ (j) the subject matter, given in one or more sections.

138 (2) The designation shall be a heading that identifies the bill by its house of
139 introduction and by unique number assigned to it by the Office of Legislative Research and
140 General Counsel and shall be in the following form: "S.B." or "H.B." followed by the number
141 assigned to the bill.

142 Section 3. **JR4-2-101** is amended to read:

143 **JR4-2-101. Requests for legislation -- Contents -- Timing.**

144 (1) (a) A legislator wishing to introduce a bill or resolution shall file a Request for
145 Legislation with the Office of Legislative Research and General Counsel within the time limits
146 established by this rule.

147 (b) The request for legislation shall:

148 (i) designate the chief sponsor, who is knowledgeable about and responsible for
149 providing pertinent information as the legislation is drafted;

150 (ii) if the request is for a general session, designate any supporting legislators from the
151 same house as the chief sponsor who wish to cosponsor the legislation; and

152 (iii) (A) provide specific information concerning the change or addition to law or
153 policy that the legislator intends the proposed legislation to make; or

154 (B) identify the specific situation or concern that the legislator intends the legislation to
155 address.

156 (2) (a) Any legislator may file a request for legislation beginning 60 days after the
157 Legislature adjourns its annual general session sine die.

158 (b) A legislator-elect may file a request for legislation beginning on:

159 (i) the day after the date the election canvass is completed; or

160 (ii) if the legislator-elect's election results have not been finalized as of the canvass
161 date, the day after the date the election results for the legislator-elect's race are finalized.

162 (c) (i) An incumbent legislator may not file any requests for legislation as of the date
163 that the legislator:

164 (A) fails to file to run for [~~reelection~~] election to a seat in the Legislature;

165 (B) resigns or is removed from office; or

166 (C) is ineligible to be included on the ballot for the election in which the legislator
167 would have sought an additional term.

168 (ii) Subsection (2)(c)(i) does not apply to a request for legislation for a special session
169 that occurs before the legislator leaves office.

170 (iii) The Office of Legislative Research and General Counsel shall abandon each
171 request for legislation from the legislator that is pending on that date unless, within 30 days
172 after that date, another member of the Legislature qualified to file a request for legislation
173 assumes sponsorship of the legislation.

174 (d) (i) If, for any reason, a legislator who filed a request for legislation is unavailable to
175 serve in the next annual general session, the former legislator shall seek another legislator to
176 assume sponsorship of each request for legislation filed by the legislator who is unavailable to
177 serve.

178 (ii) If the former legislator is unable to find another legislator to sponsor the legislation
179 within 30 days, the Office of Legislative Research and General Counsel shall abandon each
180 pending request for legislation from the legislator who is unavailable to serve.

181 (3) (a) Except as provided in Subsection (3)(c), a legislator may not file a Request for
182 Legislation with the Office of Legislative Research and General Counsel after noon on the 11th
183 day of the annual general session.

184 (b) Except as provided in Subsection (3)(c), by noon on the 11th day of the annual
185 general session, each legislator shall, for each Request for Legislation on file with the Office of
186 Legislative Research and General Counsel, either approve the request for numbering or
187 abandon the request.

188 (c) After the date established by this Subsection (3), a legislator may file a Request for
189 Legislation and automatically approve the legislation for numbering if:

190 (i) for House legislation, the representative makes a motion to request a bill or
191 resolution for drafting and introduction and that motion is approved by a constitutional
192 majority of the House; or

193 (ii) for Senate legislation, the senator makes a motion to request a bill or resolution for
194 drafting and introduction and that motion is approved by a constitutional majority vote of the
195 Senate.

196 (4) A legislator wishing to obtain funding for a project, program, or entity, when that
197 funding request does not require that a statute be enacted, repealed, or amended, may not file a

198 Request for Legislation but instead shall file a request for appropriation by following the
199 procedures and requirements of [JR3-2-701](#).

200 Section 4. **JR4-2-102** is amended to read:

201 **JR4-2-102. Drafting and prioritizing legislation.**

202 (1) As used in this ~~[section]~~ rule, "interim committee" means a committee established
203 under [JR7-1-201](#).

204 (2) (a) Requests for legislation shall be drafted on a first-in, first-out basis, except for
205 legislation that is prioritized under the provisions of this ~~[section]~~ rule.

206 (b) When sufficient drafting information is available, the following requests for
207 legislation shall be drafted before other requests for legislation, in the following order of
208 priority:

209 (i) a committee bill file, as defined in [JR7-1-101](#); and

210 (ii) a request for legislation that is prioritized by a legislator under Subsection (3).

211 (3) (a) Beginning on the first day on which a request for legislation may be filed under
212 [JR4-2-101](#), a member of the House of Representatives may designate up to four requests for
213 legislation as priority requests, and a member of the Senate may designate up to five requests
214 for legislation as priority requests, subject to the following deadlines:

215 (i) priority request number one for representatives, and priority request numbers one
216 and two for senators, must be requested on or before November 15, or the following regular
217 business day if November 15 falls on a weekend or a holiday;

218 (ii) priority request number two for representatives, and priority request number three
219 for senators, must be requested on or before the first Thursday in December, or the following
220 business day if the first Thursday falls on a holiday;

221 (iii) priority request number three for representatives, and four for senators must be
222 requested on or before the first Thursday in January, or the following business day if the first
223 Thursday falls on a holiday; and

224 (iv) priority request number four for representatives, and five for senators must be
225 requested on or before the first Thursday of the annual general session.

226 (b) A legislator who fails to make a priority request on or before a deadline loses that
227 priority request. However, the legislator is not prohibited from using any remaining priority
228 requests that are associated with a later deadline, if available.

229 (c) A legislator who begins serving or becomes eligible to request a bill file after a
230 deadline has passed is entitled to use only those priority requests that are available under an
231 unexpired deadline.

232 (d) A legislator may not designate a request for legislation as a priority request unless
233 the request:

234 (i) provides specific or conceptual information concerning the change or addition to
235 law or policy that the legislator intends the proposed legislation to make; or

236 (ii) identifies the specific situation or concern that the legislator intends the legislation
237 to address.

238 (4) A legislator may not:

239 (a) revoke a priority designation once it has been requested;

240 (b) transfer a priority designation to a different request for legislation; or

241 (c) transfer a priority designation to another legislator.

242 (5) Except as provided under [JR4-2-502](#) or as otherwise provided in these rules, the
243 Office of Legislative Research and General Counsel shall:

244 (a) reserve as many bill numbers as necessary to number the bills recommended by an
245 interim committee; and

246 (b) number all other legislation in the order in which the legislation is approved by the
247 sponsor for numbering.

248 Section 5. **JR4-2-201** is amended to read:

249 **JR4-2-201. Definitions.**

250 As used in this part:

251 (1) "Committee substitute" means a substitute bill or resolution that is prepared for
252 introduction in a Senate or House standing committee.

253 (2) "Floor substitute" means a substitute bill or resolution that is prepared for

254 introduction on the Senate or House floor.

255 (3) (a) "Germane" means that the substitute is relevant, appropriate, and in a natural
256 and logical sequence to the subject matter of the original legislation.

257 (b) "Germane" includes a substitute that changes the effect or is in conflict with the
258 spirit of the original legislation if the substance of the substitute can be encompassed within the
259 ~~[short title]~~ subject of the underlying bill.

260 (4) "Replacement legislation" means a bill, resolution, or substitute that replaces the
261 original because of a technical error.

262 (5) "Substitute" means a new bill or resolution that:

263 (a) replaces the old bill or resolution in title and body; and

264 (b) is germane to the subject of the original bill or resolution.

265 Section 6. **JR4-2-502** is amended to read:

266 **JR4-2-502. Reservation of bill numbers.**

267 (1) In each annual general legislative session, House Bills 1 through the number of bill
268 numbers specified under Subsection (2)(a) and Senate Bills 1 through the number of bill
269 numbers specified under Subsection (2)(a) are reserved for other appropriations and funding
270 bills.

271 (2) (a) By November 1, the Office of the Legislative Fiscal Analyst shall notify the
272 Office of Legislative Research and General Counsel of the number of bill numbers to reserve in
273 each house for fiscal legislation for the next annual general legislative session.

274 (b) The notice under Subsection (2)(a) shall include the short title and the chief sponsor
275 of each bill number reserved.

276 (3) To the extent practicable, each bill reserved under this ~~[section]~~ rule shall alternate
277 the sponsoring chamber between the House and Senate each year.

278 Section 7. **JR4-2-505** is amended to read:

279 **JR4-2-505. Bill information requirements on legislative website.**

280 ~~[In addition to other requirements of rule and law, and procedures established by the~~
281 ~~office, the]~~ The Office of Legislative Research and General Counsel shall publicly provide the

282 following information on the Legislature's website:

283 (1) a listing of each legislator's name and the number of bill files that are currently
284 open in the name of that legislator for the current legislative session; and

285 (2) on the respective web page for each legislative committee or mixed committee, as
286 those terms are defined in JR4-2-401:

287 (a) a listing of the short title of each piece of legislation that:

288 (i) is opened by the committee or the committee's chairs, as provided under JR7-1-602;

289 (ii) is adopted as a committee bill by the committee; or

290 (iii) is reviewed by the committee and receives a vote for committee recommendation;

291 and

292 (b) if a vote to recommend a piece of legislation listed in Subsection (2)(a) was held:

293 (i) by a legislative committee:

294 (A) a notation as to whether the legislation was recommended by the committee or not;

295 and

296 (B) a listing of the votes cast by the members of the committee, listed by name and

297 vote; or

298 (ii) by a mixed committee:

299 (A) a listing of votes cast by the members of the committee as a whole, listed by name

300 and vote; and

301 (B) a listing of only those votes cast by legislator members of the committee, listed by

302 name and vote.

303 Section 8. **JR4-3-108** is amended to read:

304 **JR4-3-108. Consideration and action on amendments to legislation made in the**
305 **other chamber.**

306 (1) (a) If the Senate amends and passes, or substitutes and passes, a piece of House
307 legislation, the House:

308 (i) must either "concur" or "refuse to concur" in the amendments or substitute; and

309 (ii) may not amend or substitute the legislation.

310 (b) (i) If the House concurs, the legislation shall be voted on for final passage in the
311 House.

312 (ii) If the legislation passes, the chief clerk of the House shall notify the Senate, obtain
313 the signatures required by [~~JR4-6-101~~] JR4-5-101, and send the legislation to the Office of
314 Legislative Research and General Counsel for enrolling.

315 (c) If the House refuses to concur in the Senate amendments or substitute to a piece of
316 House legislation, the chief clerk of the House and the House shall follow the procedures and
317 requirements of Joint Rules Title 3, Chapter 2, Part 9, Conference Committees.

318 (2) (a) If the House amends and passes, or substitutes and passes, a piece of Senate
319 legislation, the Senate:

320 (i) must either "concur" or "refuse to concur" in the amendments or substitute; and

321 (ii) may not amend or substitute the legislation.

322 (b) (i) If the Senate concurs, the legislation shall be voted on for final passage in the
323 Senate.

324 (ii) If the legislation passes, the secretary of the Senate shall notify the House, obtain
325 the signatures required by JR4-6-101, and send the legislation to the Office of Legislative
326 Research and General Counsel for enrolling.

327 (c) If the Senate refuses to concur in the House amendments or substitute to a piece of
328 Senate legislation, the secretary of the Senate and the Senate shall follow the procedures and
329 requirements of Joint Rules Title 3, Chapter 2, Part 9, Conference Committees.

330 Section 9. **JR4-3-110** is amended to read:

331 **JR4-3-110. Legislation increasing legislative workload.**

332 (1) [~~(a)~~] As used in this [section, "~~increases~~] rule:

333 (a) "Increases legislative workload" means to propose a statute, resolution, or rule that:

334 (i) places a member of the Legislature on a board, commission, task force, or other
335 public body;

336 (ii) gives authority to a member of the Legislative Management Committee to appoint a
337 member of a board, commission, task force, or other public body; or

338 (iii) requires a legislative staff office to staff a board, commission, task force, or other
339 public body.

340 (b) "Increases legislative workload" includes reauthorizing an existing provision
341 described in Subsection (1)(a).

342 (2) (a) The Office of Legislative Research and General Counsel shall:

343 (i) identify legislation that increases legislative workload before the legislation passes
344 both houses of the Legislature; and

345 (ii) report legislation that increases legislative workload to the president of the Senate,
346 speaker of the House of Representatives, minority leaders, and the chairs of the Senate and
347 House Rules Committees.

348 (b) In making the report required by Subsection (2)(a)(ii), the Office of Legislative
349 Research and General Counsel may provide information and make recommendations about:

350 (i) the funding required by the legislation;

351 (ii) the staffing resources required to implement the legislation;

352 (iii) the time legislators and legislative staff will be required to commit as a result of
353 the legislation;

354 (iv) if the legislation creates or reauthorizes a board, commission, task force, or other
355 public body, whether the responsibilities of that board, commission, task force, or other public
356 body could reasonably be accomplished through an existing entity or without legislation; and

357 (v) whether the legislation sunsets or repeals the board, commission, task force, or
358 other public body created by the legislation.

359 Section 10. **JR4-4-202** is amended to read:

360 **JR4-4-202. Deadline for passing certain appropriations bills and school finance**
361 **bills.**

362 (1) Each legislator shall receive a copy of any general appropriations bills, any
363 supplemental appropriations bills, and any school finance bills by calendared floor time on the
364 [~~42nd~~] last Monday before the 45th day of the annual general session.

365 (2) Before the calendared closing time of the 43rd day of the annual general session,

366 the Legislature shall either pass or defeat those general appropriations bills, supplemental
367 appropriations bills, and school finance bills.

368 Section 11. **JR4-4-301** is amended to read:

369 **JR4-4-301. Deadline for passing bond bills.**

370 (1) Each legislator shall receive a copy of any bond bill by noon on the [~~42nd~~] last
371 Monday before the 45th day of the annual general session.

372 (2) Before the calendared closing time of the 43rd day of the annual general session,
373 the Legislature shall either pass or defeat each bond bill.

374 Section 12. **JR5-2-103** is amended to read:

375 **JR5-2-103. Reimbursement for transportation costs.**

376 (1) A legislator may receive reimbursement for any actual transportation costs incurred
377 by the legislator in association with the legislator's official duties for an:

378 (a) authorized legislative day; or

379 (b) authorized legislative training day.

380 (2) Transportation costs reimbursed under this [~~section~~] rule shall be equal to:

381 (a) for travel by private vehicle, the actual mileage incurred by the legislator for the
382 legislator's private automobile use to and from the legislative meeting, to be paid in accordance
383 with the private vehicle mileage reimbursement rate that is applied when daily pool fleet
384 vehicles are unavailable, as published in the administrative rules governing reimbursement of
385 transportation expenses for state employees;

386 (b) for public transportation:

387 (i) the actual cost of the transportation incurred by the legislator to and from the
388 legislative meeting;

389 (ii) the private vehicle mileage actually incurred by the legislator to and from the
390 terminus of the public transportation; and

391 (iii) the cost of parking actually incurred by the legislator; or

392 (c) for commercial transportation:

393 (i) the actual cost of the transportation, which shall be limited to coach or standard

394 economy class, incurred by the legislator to and from the legislative meeting;

395 (ii) the private vehicle mileage actually incurred by the legislator to and from the
396 terminus of the commercial transportation; and

397 (iii) the cost of parking actually incurred by the legislator.

398 (3) Reimbursement for actual transportation costs incurred for a legislator for an
399 authorized legislative day or an authorized legislative training day shall be as provided in
400 procedures established by the Legislative Expenses Oversight Committee.

401 Section 13. **JR5-3-101** is amended to read:

402 **JR5-3-101. Legislator compensation -- Expense reimbursement.**

403 (1) Except as provided under Subsection (2), a legislator shall receive daily
404 compensation established in accordance with Utah Code Sections [36-2-2](#) and [36-2-3](#) for
405 authorized legislative days as defined in ~~[Section]~~ [JR5-1-101](#).

406 (2) The Legislative Management Committee may authorize compensation and expense
407 reimbursement, or expense reimbursement only, for a legislator who attends a meeting on an
408 authorized legislative day as defined in [JR5-1-101](#).

409 Section 14. **JR6-1-102** is amended to read:

410 **JR6-1-102. Code of official conduct.**

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

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

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

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

419 (c) Members of the Senate and House shall not exercise any undue influence on any
420 governmental entity. "Undue influence" means deceit or threat of violence.

421 (d) Members of the Senate and House shall not engage in any activity that would be an

422 abuse of official position or a violation of trust.

423 (e) Members of the Senate and House shall not use any nonpublic information obtained
424 by reason of their official position to gain advantage over any business or professional
425 competition for activities with the state and its political subdivisions.

426 (f) Members of the Senate and House shall not engage in any business relationship or
427 activity that would require the disclosure of confidential information obtained because of their
428 official position.

429 (g) Members of the Senate and House shall not use their official position to secure
430 privileges for themselves or others.

431 (h) While in session, members of the Senate and House shall disclose any conflict of
432 interest on any legislation or legislative matter as provided in [JR6-1-201](#).

433 (i) Members of the Senate and House may accept small gifts, awards, or contributions
434 if these favors do not influence them in the discharge of official duties.

435 (j) [~~Except as provided in Subsection (3), members~~] Members of the Senate and the
436 House may engage in business or professional activities with the state or its political
437 subdivisions if the activities are entered into under the same conditions and in the same manner
438 applicable to any private citizen or company engaged in similar activities.

439 (k) Legislators may enter into transactions with the state by contract by following the
440 procedures and requirements of Utah Code Title 63G, Chapter 6a, Utah Procurement Code.

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

446 [~~(b) Besides the penalties authorized by these rules, Utah Code Section [36-19-1](#) also~~
447 ~~provides that any person violating this section is guilty of a class B misdemeanor.]~~

448 Section 15. **JR6-1-103** is amended to read:

449 **JR6-1-103. Receipt of campaign donations.**

- 450 (1) As used in this ~~[section]~~ rule:
- 451 (a) "Campaign contribution" means cash or a negotiable instrument contributed for a
452 political purpose to a campaigner.
- 453 (b) "Campaigner" means:
- 454 (i) a legislative office candidate;
- 455 (ii) an individual who holds a legislative office;
- 456 (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or
457 (ii);
- 458 (iv) a political action committee controlled by a person described in Subsection
459 (1)(b)(i) or (ii); or
- 460 (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through
461 (iv).
- 462 (c) "Capitol hill" ~~[is as]~~ means the same as that term is defined in Utah Code Section
463 [36-5-1](#).
- 464 (d) "Indirect campaign contribution" means a campaign contribution that is delivered to
465 a campaigner:
- 466 (i) when the campaigner is not present; or
- 467 (ii) via a third party or delivery service.
- 468 (e) "Political purpose" ~~[has the same meaning]~~ means the same as "political purposes"
469 ~~[as]~~ is defined in Utah Code Section [20A-11-101](#).
- 470 (2) (a) A campaigner may not accept receipt of a campaign contribution on capitol hill.
- 471 (b) A legislator who is in violation of this ~~[section]~~ rule is subject to an ethics
472 complaint regardless of whether the violation occurred while the legislator was a legislative
473 office holder or a legislative office candidate.
- 474 (3) Notwithstanding Subsection (2), a campaigner shall not be considered to have
475 accepted receipt of a campaign contribution if:
- 476 (a) the campaign contribution is an indirect campaign contribution; and
- 477 (b) the campaigner promptly:

- 478 (i) returns the campaign contribution to the donor; or
- 479 (ii) refuses the campaign contribution in a written communication or other verifiable
- 480 manner.

481 Section 16. **JR6-1-201** is amended to read:

482 **JR6-1-201. Declaring and recording conflicts of interest.**

483 (1) As used in this [section] rule:

484 (a) "Conflict of interest" means the same as that term is defined in Utah Code Section
485 [20A-11-1602](#).

486 (b) "Conflict of interest disclosure" means the same as that term is defined in Utah
487 Code Section [20A-11-1602](#).

488 (2) A legislator shall file a conflict of interest disclosure by complying with the
489 requirements of Utah Code Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures.

490 (3) (a) For a legislator who is a senator, the secretary of the Senate shall ensure that a
491 link to the legislator's conflict of interest disclosure is available to the public on the Senate's
492 website.

493 (b) For a legislator who is a representative, the chief clerk of the House of
494 Representatives shall ensure that a link to the legislator's conflict of interest disclosure is
495 available to the public on the House of Representative's website.

496 (4) If a legislator has actual knowledge that the legislator has a conflict of interest that
497 is not stated on the legislator's financial disclosure form filed under Subsection (2), that
498 legislator shall, before or during a vote on legislation or any legislative matter, orally declare to
499 the committee or legislative body:

500 (a) that the legislator may have a conflict of interest; and

501 (b) what that conflict is.

502 (5) A verbal declaration of a conflict of interest under Subsection (4) shall be recorded:

503 (a) for a declaration made on the floor, in the Senate or House Journal by the secretary
504 of the Senate or the chief clerk of the House of Representatives; or

505 (b) for a declaration made in a committee or other meeting, in the minutes of the

506 meeting.

507 (6) The requirements of this rule do not prohibit a legislator from voting on any
508 legislation or legislative matter.

509 Section 17. **JR6-1-202** is amended to read:

510 **JR6-1-202. Disclosure of outside remuneration.**

511 (1) As used in this [section] rule:

512 (a) "Person" includes an individual, partnership, association, organization, company,
513 and bodies politic and corporate or a lobbyist from any of these.

514 (b) "Person" does not include a person who provides the legislator's primary source of
515 income.

516 (2) If any person provides remuneration to a legislator to compensate that legislator for
517 a loss of salary or income while the Legislature is in session, that legislator shall file a written
518 disclosure identifying:

519 (a) that the legislator receives remuneration; and

520 (b) the name of the person who provides the remuneration.

521 (3) (a) The legislator shall file the disclosure by February 1 of each year with:

522 (i) the secretary of the Senate, if the legislator is a senator; or

523 (ii) the chief clerk of the House of Representatives, if the legislator is a representative.

524 (b) This disclosure is available to the public.

525 Section 18. **JR6-2-103.5** is amended to read:

526 **JR6-2-103.5. Motion to disqualify Independent Legislative Ethics Commission**
527 **member for conflict of interest.**

528 (1) A complainant may file a motion to disqualify one or more members of the
529 Independent Legislative Ethics Commission from participating in proceedings relating to an
530 ethics complaint if the individual files the motion within 20 days after the later of:

531 (a) the day on which the individual files the ethics complaint; or

532 (b) the day on which the individual knew or should have known of the grounds upon
533 which the motion is based.

534 (2) A respondent may file a motion to disqualify one or more members of the
535 commission from participating in proceedings relating to an ethics complaint if the respondent
536 files the motion within 20 days after the later of:

537 (a) the day on which the respondent receives delivery of the ethics complaint; or

538 (b) the day on which the respondent knew or should have known of the grounds upon
539 which the motion is based.

540 (3) A motion filed under this ~~[section]~~ rule shall include:

541 (a) a statement that the members to whom the motion relates have a conflict of interest
542 that, under the circumstances, would lead a reasonable person to question the impartiality of
543 the members;

544 (b) a detailed description of the grounds supporting the statement described in
545 Subsection (3)(a); and

546 (c) a statement that the motion is filed in good faith, supported by an affidavit or
547 declaration under penalty of Title 78B, Chapter 18a, Uniform Unsworn Declarations Act,
548 stating that the motion and all accompanying statements and documents are true and correct to
549 the best of the complainant's or respondent's knowledge.

550 (4) A party may not file more than one motion to disqualify, unless the second or
551 subsequent motion:

552 (a) is based on grounds of which the party was not aware, and could not have been
553 aware, at the time of the earlier motion; and

554 (b) is accompanied by a statement, included in the affidavit or declaration described in
555 Subsection (3)(c), explaining how and when the party first became aware of the grounds
556 described in Subsection (4)(a).

557 (5) The commission shall dismiss a motion filed under this ~~[section]~~ rule, with
558 prejudice, if the motion:

559 (a) is not timely filed; or

560 (b) does not comply with the requirements of this ~~[section]~~ rule.

561 (6) A member of the commission may:

562 (a) on the member's own motion, disqualify the member from participating in
563 proceedings relating to an ethics complaint if the member believes that the member has a
564 conflict of interest that, under the circumstances, would lead a reasonable person to question
565 the impartiality of the member; or

566 (b) ask the commission to disqualify another member of the commission if the member
567 believes that the member has a conflict of interest that, under the circumstances, would lead a
568 reasonable person to question the impartiality of the member.

569 (7) (a) When a party files a motion under this [section] rule, or when a commission
570 member makes a request under Subsection (6)(b), the commission member for whom
571 disqualification is sought may make the initial determination regarding whether the
572 commission member has a conflict of interest.

573 (b) If a commission member described in Subsection (7)(a) determines that the
574 commission member has a conflict of interest, the commission member shall disqualify the
575 commission member from participating in the matter.

576 (c) If a commission member described in Subsection (7)(a) determines that the
577 commission member does not have a conflict of interest, or declines to make the determination,
578 the remainder of the commission shall, by majority vote, determine whether the commission
579 member has a conflict of interest.

580 (d) A vote of the commission, under Subsection (7)(c), constitutes a final decision on
581 the issue of a conflict of interest.

582 (8) In making a determination under Subsection (7)(c), the commission may:

583 (a) gather additional evidence;

584 (b) hear testimony; or

585 (c) request that the commission member who is the subject of the motion or request file
586 an affidavit or declaration responding to questions posed by commission.

587 Section 19. **JR6-2-306** is amended to read:

588 **JR6-2-306. Communications of commission and committee members.**

589 (1) As used in this [section] rule, "third party" means:

590 (a) for a member of the Independent Legislative Ethics Commission, a person who is
591 not a member of the commission or staff to the commission; or

592 (b) for a member of an ethics committee, a person who is not a member of the
593 committee or staff to the committee.

594 (2) While a complaint is under review by the commission or an ethics committee, a
595 member of that commission or committee may not initiate or consider any communications
596 concerning the complaint with a third party unless:

597 (a) the communication is expressly permitted under the procedures established by this
598 title; or

599 (b) the communication is made by the third party, in writing, simultaneously to:

600 (i) all members of the commission or committee; and

601 (ii) a staff member of the commission or committee.

602 (3) (a) While the commission is reviewing a complaint under this title, a commission
603 member may communicate outside of the meetings, hearing, or deliberations with another
604 member of, or staff to, the commission, only if the member's communication does not
605 materially compromise the member's responsibility to independently review and make
606 decisions in relation to the complaint.

607 (b) While a committee is reviewing a complaint under this title, a committee member
608 may communicate outside of the meeting, hearing, or deliberations with another member of, or
609 staff to, the committee, only if the member's communication does not materially compromise
610 the member's responsibility to independently review and make decisions in relation to the
611 complaint.

612 (4) While a complaint is under review by an ethics committee, a member of the
613 commission may not comment publicly or privately about the commission's decision,
614 reasoning, or other matters relating to the ethics complaint, but may provide or refer a
615 questioner to the commission's written recommendation.

616 Section 20. **JR7-1-101** is amended to read:

617 **JR7-1-101. Definitions.**

618 As used in this chapter:

619 (1) "Anchor location" means the physical location from which:

620 (a) an electronic meeting originates; or

621 (b) the participants are connected.

622 (2) "Bill" means the same as that term is defined in JR4-1-101.

623 (3) "Chair" except as otherwise expressly provided, means:

624 (a) the member of the Senate appointed as chair of an interim committee by the
625 president of the Senate under JR7-1-202;

626 (b) the member of the House of Representatives appointed as chair of an interim
627 committee by the speaker of the House of Representatives under JR7-1-202;

628 (c) a member of a special committee appointed as chair of the special committee; or

629 (d) a member of a legislative committee designated by the chair of the legislative
630 committee under Subsection (3)(a), (b), or (c) to act as chair under JR7-1-202.

631 (4) "Committee bill" means draft legislation that receives a favorable recommendation.

632 (5) "Committee bill file" means a request for legislation made by:

633 (a) a majority vote of a legislative committee; or

634 (b) the chairs of an interim committee, if the interim committee authorizes the chairs to
635 open one or more committee bill files in accordance with JR7-1-602.

636 (6) "Committee note" means a note that the Office of Legislative Research and General
637 Counsel places on legislation in accordance with JR4-2-401.

638 (7) "Draft legislation" means a draft of a bill or resolution before it is numbered by the
639 Office of Legislative Research and General Counsel.

640 (8) "Electronic meeting" means a public meeting of a legislative committee that is
641 partially convened or conducted by means of a voice telephone or computer web or video
642 conference.

643 (9) "Electronic notice" means electronic mail or fax.

644 (10) "Favorable recommendation" means an action of a legislative committee by
645 majority vote to favorably recommend legislation.

- 646 (11) "Legislative committee" means:
- 647 (a) an interim committee; or
- 648 (b) a special committee.
- 649 (12) "Interim committee" means a committee created under JR7-1-201.
- 650 (13) "Legislative sponsor" means:
- 651 (a) for a committee bill file, the chairs of the legislative committee that opened the
- 652 committee bill file or the chairs' designee; or
- 653 (b) for a request for legislation that is not a committee bill file, the legislator who
- 654 requested the request for legislation or the legislator's designee.
- 655 (14) "Majority vote" means:
- 656 (a) with respect to an interim committee, an affirmative vote of at least 50% of a
- 657 quorum of members of the interim committee from one chamber and more than 50% of a
- 658 quorum of members of the interim committee from the other chamber; or
- 659 (b) with respect to a special committee, an affirmative vote of more than 50% of a
- 660 quorum.
- 661 (15) "Mixed special committee" means a special committee that is composed of one or
- 662 more members who are legislators and one or more members who are not legislators.
- 663 (16) "Monitor" means to:
- 664 (a) hear live, by speaker, or by other equipment, all of the public statements of each
- 665 member of the legislative committee who is participating in a meeting; or
- 666 (b) see and hear, by computer screen or other visual medium, all of the public
- 667 statements of each member of the legislative committee who is participating in a meeting.
- 668 (17) "Original motion" means a nonprivileged motion that is accepted by the chair
- 669 when no other motion is pending.
- 670 (18) "Participate" means the ability to communicate with all of the members of a
- 671 legislative committee, either verbally or electronically, so that each member of the legislative
- 672 committee can hear or see the communication.
- 673 (19) "Pending motion" means a motion described in JR7-1-307.

674 (20) "Privileged motion" means a motion to adjourn, set a time to adjourn, recess, end
675 debate, extend debate, or limit debate.

676 (21) "Public statement" means a statement made in the ordinary course of business of a
677 legislative committee with the intent that all other members of the legislative committee
678 receive it.

679 (22) "Remote location" means a location other than the anchor location from which a
680 member of a legislative committee may participate in the meeting.

681 (23) "Request for legislation" means the same as that term is defined in JR4-1-101.

682 (24) "Resolution" means the same as that term is defined in JR4-1-101.

683 (25) (a) "Special committee" means a committee, commission, or task force that is:

684 (i) created by legislation; and

685 (ii) staffed by:

686 (A) the Office of Legislative Research and General Counsel; or

687 (B) the Office of the Legislative Fiscal Analyst.

688 (b) "Special committee" does not include:

689 (i) an interim committee;

690 (ii) a standing committee created under SR3-2-201 or HR3-2-201; or

691 (iii) a Senate confirmation committee described in SR3-3-101 or SR3-3-201.

692 (26) "Subcommittee" means a subsidiary unit of a legislative committee formed in
693 accordance with JR7-1-411.

694 (27) "Substitute motion" means a nonprivileged motion that a member of a legislative
695 committee makes when there is a nonprivileged motion pending.

696 Section 21. **JR7-1-310** is amended to read:

697 **JR7-1-310. Chairs to verbally announce vote on motions -- Motions pass with**
698 **majority vote.**

699 (1) After a legislative committee votes on a motion, the chair shall:

700 [(+) (a) determine and verbally announce whether the motion passed or failed; and

701 [~~2~~] (b) unless the vote on the motion is unanimous, verbally identify by name each

702 committee member who voted "yes" or each committee member who voted "no."

703 (2) Unless otherwise specified, a motion passes with a majority vote.