

**MINUTES OF THE
ETHICS INTERIM COMMITTEE**

Wednesday, May 20, 2009 – 8:30 a.m. – Room 450 State Capitol

Members Present:

Sen. Sheldon L. Killpack, Senate Chair
Sen. Patricia W. Jones, Senate Cochair
Rep. John Dougall, House Chair
Rep. Rebecca Chavez-Houck, House Cochair
Rep. Tim M. Cosgrove
Rep. Brad L. Dee
Rep. Kevin S. Garn
Sen. Scott K. Jenkins
Rep. Brian S. King
Rep. Bradley G. Last
Sen. Karen Mayne

Rep. Carol Spackman Moss
Sen. Ross I. Romero
Sen. Dennis E. Stowell
Sen. John L. Valentine

Members Absent:

Sen. Scott D. McCoy

Staff Present:

Michael E. Christensen, Director
John L. Fellows, General Counsel
Chelsea Barrett, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Task Force Business

Chair Killpack called the meeting to order at 8:38 a.m.

The Committee members and staff introduced themselves.

Mr. Fellows briefly explained the protocol and procedures for the Ethics Interim Committee as stated in the rules and statutes.

2. Historical Overview of House and Senate Ethics Committees - Michael Christensen

Mr. Christensen discussed the "Historical Overview of House and Senate Ethics Committees," a document distributed to the Committee before the meeting. He explained the six cases of ethics hearings and actions in the history of the Legislature.

3. Ethics Committee Process and Timeline - Michael Christensen

Mr. Christensen outlined and distributed "Senate and House Timeline" and explained the process for ethics hearings as stated in legislative rule JR6-1-101. Legislative Ethics.

Mr. Christensen answered questions from the Committee.

Rep. Chavez-Houck inquired how a special prosecutor is selected for the ethics committee process when needed. Mr. Fellows explained that the Legislature has no history of an ethics complaint that needed a special prosecutor, but noted that the situation is outlined in JR6-4-302. Appointment of Special Prosecutor.

Sen. Jones asked to clarify the role and assignment of the Ethics Interim Committee. Chair Killpack noted that the Committee will study the process and procedure for House and Senate ethics complaints. He stated that the goal of the Committee is to examine the process and determine whether it is fair, clear, and supported by the public.

4. Overview of Other States' Ethics Committees and Commissions - Michael Christensen

Mr. Christensen explained "Overview of Ethics Committees/Commissions in the 50 States." He explained that ethics committees include membership by legislators exclusively, while an ethics commission generally consists of non-legislators. He highlighted several states' legislative ethics committee processes and noted the variety of possible choices for the jurisdiction of ethics complaints and issues. He explained that all states have some form of ethics committee or commission.

Mr. Christensen explained "Summary of State Ethics Committees," a handout distributed before the meeting, which summarizes the 50 states' ethics committee's and commission's information.

Mr. Christensen answered questions from the Committee.

Rep. King requested additional information regarding the authority of external ethics commissions. Mr. Christensen said that he would prepare that information for the next meeting.

5. Constitutional Issues Concerning Independent Ethics Committees - John Fellows

Mr. Fellows explained that the challenge of this interim committee is unique. He recommended to the Committee to look at the ethics committee process with long-term perspective for lasting reform.

Mr. Fellows spoke briefly about independent ethics commissions and noted the possible constitutional conflicts with this type of commission. Mr. Fellows explained the conditions and make up of an independent ethics commission.

The Committee discussed the possibility of an independent ethics commission within the Legislature.

Rep. King and Sen. Jones requested additional information regarding other states' independent ethics commissions. Mr. Fellows said that this information would be provided at the next meeting.

6. Overview of the Legislature's Code of Official Conduct - John Fellows

Mr. Christensen and Mr. Fellows explained JR6-1-102. Code of Official Conduct. The Committee reviewed and read the language of the rules.

Mr. Fellows explained that the Official Code of Conduct is an attempt to create a standard for legislative behavior. Mr. Fellows noted that the specificity of the standards of the Official Code of Conduct will dictate the amount of involvement from the ethics committee or commission. He explained that, at this point, the Code of Official Conduct is open to interpretation, which was one of the main sources of frustration of last summer's House Ethics Committee.

Mr. Fellows answered questions from the Committee.

Rep. Chavez-Houck asked about the Committee's involvement in 2009 General Session H.J.R. 14, "Joint Rules Resolution - Ethics Training Course Provisions." Mr. Christensen explained that this project is

moving ahead. He said two options of implementing the training have been developed and the President and the Speaker are in the process of deciding which alternative they would prefer to adopt.

7. Other Items / Adjourn

Chair Killpack noted that the Committee will attempt to have a schedule of proposed topics for the future interim committee meetings.

MOTION: Sen. Jenkins moved to adjourn the meeting. The motion passed unanimously.

Chair Killpack adjourned the meeting at 10:12 a.m.