

EXECUTIVE BRANCH ETHICS COMMISSION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that, if the commission determines that all allegations made against an executive branch elected official are without merit, the executive branch elected official may request payment, by the state, of reasonable attorney fees and costs for legal representation during the complaint review process.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) A complainant:

(a) may, but is not required to, retain legal representation during the complaint review 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) (a) If the commission determines that all allegations in the complaint are without
37 merit, the respondent may file a request with the Executive Appropriations Committee of the
38 Legislature for the payment of reasonable attorney fees and costs for legal representation during
39 the complaint review process.

40 (b) If the Executive Appropriations Committee of the Legislature receives a request
41 described in Subsection (3)(a), the Legislature may appropriate money to reimburse the
42 respondent for some or all of the reasonable attorney fees and costs described in Subsection
43 (3)(a).

44 [~~(3)~~] (4) An attorney who participates in a hearing before the commission shall comply
45 with:

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

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

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

49 [~~(4)~~] (5) A violation of Subsection [~~(3)~~] (4) may constitute:

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

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