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## Lawmaker sounds alarm on ethics initiative

Legislature » Hillyard worries law firm's records in jeopardy.

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A ballot initiative to rein in legislative conduct has grabbed the attention of many across the state -- including the law firm of Utah's longest sitting lawmaker, Sen. Lyle Hillyard, R-Logan.

Evidently his colleagues read enough of the 21-page bill to warn Hillyard that he's "out of the Senate" if voters approve the measure next November.

"They won't have the firm subject to the scrutiny of ... three complainants who can just file anything they want and go back six years and subpoena all our records," Hillyard said.

During a debate Tuesday at the University of Utah's Hinckley Institute of Politics, Hillyard, who was first elected to the Utah House in 1980, strongly cautioned against jumping on the citizen-led bandwagon driven by a group called Utahns for Ethical Government.

In a phone interview later Tuesday, Attorney David Irvine, who helped draft the measure, called Hillyard's claim "interesting but pretty inflated."

"The legislative ethics committee that now exists also has subpoena power," Irvine said. "But that doesn't mean that plaintiffs on a fishing expedition can rifle through anything they want."

If members of a firm believe a subpoena to be inappropriate, they can ask to have it quashed, Irvine added.

"That's just a false argument," Irvine said of Hillyard's statement.

Irvine, along with Kim Burningham -- both Republicans and former state lawmakers -- argued in favor of the initiative at Tuesday's on-campus event. Rep. Lori Fowlke, R-Orem, joined Hillyard in opposing the measure.

"During our last session we passed six [ethics] bills," Fowlke said. "They're not the end-all, but they're a significant start."

Fowlke worried that some portions of the initiative would duplicate what is already in legislative rules -- in particular a detailed code of conduct to clarify acceptable behavior.

The current code of conduct befuddled House Ethics Committee members last fall who grappled with bribery and confidentiality charges against two Representatives, said Burningham, .

"[They] found the code to be so unclear as to be meaningless," Burningham, a member of the State Board of Education, argued. "The committee split strictly on a partisan basis -- a hung jury meant no charges."

Fowlke rebutted the initiative in a lengthy newsletter posted on the online Utah Policy Web site in mid-October.

Utahns for Ethical Government must gather 95,000 signatures of valid registered voters statewide by April 15 to land the measure on next November's ballot. The group has abandoned the notion of gathering about half that number of signatures by Nov. 15 to force the Legislature to take up the proposal in January.

However, lawmakers are still working on proposals for their own ethics reform bills, including creation of an independent ethics advisory commission.

Initiative organizer Dixie Huefner said people ask about the petition drive wherever she goes.

"There's just a great deal of interest, obviously, in having the Legislature take this really seriously," Huefner said. "And if they won't do it, we'll do it for them."

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More information

About the initiative » More information about the ethics initiative can be found online at [www.utahethics.org](http://www.utahethics.org).

Rebuttal » Rep. Lori Fowlke's rebuttal to the initiative can be found online at [http://utahpolicy.com/featured\\_article/rep-lori-fowlke-analyzes-ethics-initiative](http://utahpolicy.com/featured_article/rep-lori-fowlke-analyzes-ethics-initiative)

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