

1 **AMENDMENTS TO LEGISLATIVE SALARY**

2 **PROCESS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Merlynn T. Newbold**

6 **This act modifies the title addressing the Legislature to require that the Legislature acts**
7 **before legislative salaries can be increased. The act rejects the salary increase recommended**
8 **by the Legislative Compensation Commission and maintains the initial salary amounts paid**
9 **effective January 1, 2001. The act requires the Legislature by joint resolution to approve,**
10 **lower, or reject the Legislative Compensation Commission's recommendation or the**
11 **recommendation is considered rejected. This act also makes technical changes.**

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **36-2-2**, as last amended by Chapter 379, Laws of Utah 1999

15 **36-2-3**, as last amended by Chapter 379, Laws of Utah 1999

16 This act enacts uncodified material.

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

18 Section 1. Section **36-2-2** is amended to read:

19 **36-2-2. Salaries and expenses of members -- Compensation of in-session employees.**

20 (1) Subject to Subsection (2):

21 ~~[(†)]~~ (a) ~~[(i) The]~~ the salary of ~~[members]~~ a member of the Legislature is ~~[\$100]~~ \$120 per
22 day for each calendar day for annual general sessions ~~[through the year 2000.];~~

23 ~~[(ii) Unless rejected or lowered as provided in Section 36-2-3, the salary of members of~~
24 ~~the Legislature beginning in the year 2001 and each odd-numbered year thereafter shall be at the~~
25 ~~amount recommended by the Legislative Compensation Commission in its report issued in the~~
26 ~~previous even-numbered year.]~~

27 (b) ~~[(i) Members]~~ in addition to the salary described in Subsection (1)(a), a member of the



28 Legislature shall ~~[also]~~ receive ~~[\$100]~~ \$120 per day for each day the legislator attends:

29 (i) a veto-override ~~[and]~~ session;

30 (ii) a special ~~[sessions and]~~ session; or

31 (iii) other authorized legislative ~~[meetings through the year 2000.]~~ meeting;

32 ~~[(ii) Unless rejected or lowered as provided in Section 36-2-3, the salary of members of~~
 33 ~~the Legislature for attendance at a veto-override, special session, and other authorized legislative~~
 34 ~~meetings beginning in the year 2001 and each odd-numbered year thereafter shall be at the amount~~
 35 ~~recommended by the Legislative Compensation Commission in its report issued in the previous~~
 36 ~~even-numbered year.]~~

37 ~~[(2)(a)(i) The]~~ (c) in addition to the amounts described in Subsections (1)(a) and (b), the
 38 president of the Senate and the speaker of the House of Representatives shall receive an additional
 39 [\$1,000] \$2,500 per year ~~[through the year 2000.]; and~~

40 ~~[(ii) Unless rejected or lowered as provided in Section 36-2-3, the salary of the president~~
 41 ~~of the Senate and the speaker of the House of Representatives beginning in the year 2001 and each~~
 42 ~~odd-numbered year thereafter shall be at the amount recommended by the Legislative~~
 43 ~~Compensation Commission in its report issued in the previous even-numbered year.]~~

44 ~~[(b)(i) The]~~ (d) in addition to the amount described in Subsections (1)(a) and (b), the
 45 majority and minority leaders of each house shall receive an additional ~~[\$500]~~ \$1,500 per year
 46 ~~[through the year 2000].~~

47 ~~[(ii)]~~ (2) (a) ~~[The salary of the majority and minority leadership of each house beginning]~~
 48 ~~Notwithstanding Subsection (1), beginning~~ in the year ~~[2001]~~ 2005 and each odd-numbered year
 49 thereafter, an amount specified in Subsection (1)(a) that is paid to a member of the Legislature
 50 shall be ~~[at]~~ set:

51 (i) if approved by the Legislature as provided in Section 36-2-3:

52 (A) at the amount recommended by the Legislative Compensation Commission in ~~[its]~~ the
 53 Legislative Compensation Commission's report issued ~~[in]~~ for the annual general session held
 54 during the previous even-numbered year~~[-]; or~~

55 (B) at an amount determined by the Legislature that is lower than the amount
 56 recommended by the Legislative Compensation Commission in the Legislative Compensation
 57 Commission's report issued for the annual general session held during the previous even-numbered
 58 year; or

59 (ii) if the Legislature rejects the recommendation of the Legislative Compensation
 60 Commission as provided in Section 36-2-3, at the amount paid in the immediately proceeding
 61 odd-numbered year.

62 (b) The amount set under Subsection (2)(a) is effective January 1st of the odd-numbered
 63 year following the annual general session held during the even-numbered year.

64 (3) (a) The Legislature shall establish, by joint rule of the Legislature, the amounts paid
 65 to a member of the Legislature for the expenses of [its members] the member.

66 (b) Rules governing expenses shall be based upon:

67 (i) payment of necessary expenses for attendance during legislative sessions;

68 (ii) a mileage allowance; and

69 (iii) reimbursement for other expenses involved in the performance of legislative duties.

70 (4) (a) The compensation of in-session employees of the Legislature shall be fixed by joint
 71 resolution at each session of the Legislature.

72 (b) For necessary work done by the employees of the Legislature after the adjournment of
 73 the session, the labor and services rendered shall be approved and attested by the presiding officer
 74 of the house employing that work.

75 Section 2. Section **36-2-3** is amended to read:

76 **36-2-3. Legislative Compensation Commission to make recommendations --**

77 **Legislative action.**

78 (1) (a) [~~Except as provided in Subsection (2), the salaries of members of the Legislature~~
 79 ~~shall automatically be set beginning January 1st of each odd-numbered year at the amount~~
 80 ~~recommended by the] The Legislative Compensation Commission [in the preceding] shall issue
 81 recommendations related to the amounts paid to a member of the Legislature in accordance with
 82 Section 36-2-3 for each annual general session held in an even-numbered year.~~

83 (b) [~~This salary] The recommendation required by Subsection (1)(a) shall be based on~~
 84 ~~[either]:~~

85 (i) a daily basis:

86 (A) for each calendar day for annual general sessions; and

87 (B) for each day a legislator attends;

88 (I) a veto-override [and] session;

89 (II) a special [sessions and other] session; or

90 (III) an authorized legislative [meetings] meeting; or
 91 (ii) an annualized salary.

92 (2) (a) The Legislature during the even-numbered annual general session in the year [just]
 93 immediately preceding the effective date of any salary change may [reject or lower the salary
 94 recommendation, but] by joint resolution:

95 (i) approve an amount recommended by the Legislative Compensation Commission as
 96 provided in Subsection 36-2-2(2)(a)(i)(A);

97 (ii) approve an amount that is lower than the amount recommended by the Legislative
 98 Compensation Commission as provided in Subsection 36-2-2(2)(a)(i)(B); or

99 (iii) reject an amount recommended by the Legislative Compensation Commission.

100 (b) The Legislature may not increase the [salary] amounts paid to a member of the
 101 Legislature in accordance with Section 36-2-2 to an amount greater than the recommendation of
 102 the Legislative Compensation Commission.

103 ~~[(b)]~~ (c) If the Legislature does not act as provided in Section 36-2-2 and this Subsection
 104 (2)[(a)], [they have] the Legislature by law [accepted] has rejected the Legislative Compensation
 105 Commission's recommendations.

106 **Section 3. Rejection of recommendations of Legislative Compensation Commission.**

107 (1) The Legislature rejects the salary amount recommended by the Legislative
 108 Compensation Commission in the commission's report prepared for the 2002 General Session.

109 (2) (a) The legislative salary of a member of the Legislature shall remain at the amount
 110 effective on January 1, 2001 of \$120 per each day for each day the member of the Legislature is
 111 entitled to pay under Title 36, Chapter 2, Employees and Compensation.

112 (b) Consistent with the recommendations of the Legislative Compensation Commission,
 113 the additional compensation for legislative leadership shall remain at the levels effective on
 114 January 1, 2001.

Legislative Review Note

as of 12-20-01 8:42 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel