

HB0409S02 compared with HB0409

~~{Omitted text}~~ shows text that was in HB0409 but was omitted in HB0409S02

inserted text shows text that was not in HB0409 but was inserted into HB0409S02

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Legislator Leave Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Clinton D. Okerlund
Senate Sponsor: Ann Millner



2

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to legislators who are public employees.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ provides paid leave to a state employee or teacher for the purpose of serving as a state legislator;
- 10 ▶ addresses the use and administration of legislator leave;
- 11 ▶ provides that a legislator may not receive salary or accrue service credit or receive retirement related contributions for time during ~~{a general session for}~~ which the legislator uses legislator leave;
- 13 ▶ allows a state employer or local education agency to seek partial reimbursement for the costs related to legislator leave; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

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20 **Utah Code Sections Affected:**

21 AMENDS:

22 **36-2-2 , as last amended by Laws of Utah 2024, Chapter 425**

23 **36-2-3 , as last amended by Laws of Utah 2016, Chapter 61**

24 **63A-17-513** , as enacted by Laws of Utah 2024, Chapter 402

25 ENACTS:

26 **49-11-506** , Utah Code Annotated 1953

27 **53G-11-210** , Utah Code Annotated 1953

28

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

30 Section 1. Section 36-2-2 is amended to read:

31 **36-2-2. Salaries and expenses of members -- Compensation of in-session employees.**

33 (1)

(a) [~~Unless rejected or lowered~~] Except as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

38 (b) [~~Unless rejected or lowered~~] Except as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary for attendance at a veto-override, special session, and other authorized legislative meetings equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

44 (2)

(a) [~~Unless rejected or lowered~~] Except as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, the president of the Senate and the speaker of the House of Representatives shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

49 (b) [~~Beginning~~] Except as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, the majority and minority leadership of each chamber shall receive a salary

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equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

54 (3) The Legislature shall:

55 (a) establish, by joint rule of the Legislature, the expenses of its members; and

56 (b) ensure that the rules governing expenses are based upon:

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

58 (ii) a mileage allowance; and

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

61 Section 2. Section 36-2-3 is amended to read:

62 **36-2-3. Salaries of members set by Legislature and State Board of Education based on recommendations of Legislative Compensation Commission.**

64 (1)

(a) Except as provided in Subsection (2)~~[-or (3)]~~, (3), or (4), the salaries of members of the Legislature shall automatically be set beginning January 1 of each odd-numbered year at the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the preceding even-numbered year.

69 (b) This salary recommendation shall be based on either:

70 (i) a daily basis:

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

72 (B) for each day a legislator attends veto-override and special sessions and other authorized legislative meetings; or

74 (ii) an annualized salary.

75 (c) In preparing its report, the commission may recommend salary amounts that:

76 (i) take into account the amounts received by legislators for legislative expenses; and

77 (ii) provide alternative salary amounts based upon the occurrence of various contingencies.

79 (2)

(a) During an even-numbered annual general session or special session in the year immediately preceding the effective date of any salary change, the Legislature may reject or decrease the salary recommendation, but may not increase the salary recommendation.

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(b) If the Legislature does not act as provided in Subsection (2)(a), they have by law accepted the Legislative Compensation Commission's recommendations contained in the last report issued by the commission in the preceding even-numbered year.

86 (3) If the last report issued by the commission in an even-numbered year recommends a salary
contingent upon certain action being taken by the Legislature, that contingent legislative salary:

89 (a) takes effect on the day after the day that the contingent action is taken by the Legislature; and

91 (b) supersedes any other salary in effect as of January 1.

92 (4) If a legislator elects to use legislator leave as provided in Section 53G-11-210 or 63A-17-513, the
legislator may not receive salary under this part for any day for which the legislator elects to use
legislator leave.

95 [~~(4)~~] (5)

(a) The salary for a member of the State Board of Education shall be:

96 (i) the same as the salary for a member of the Legislature; and

97 (ii) except as provided in Subsection [~~(4)(b)~~] (5)(b), set in accordance with this section and
Subsection 36-2-2(1).

99 (b) For purposes of setting the salary for a member of the State Board of Education:

100 (i) a calendar day for the annual general session described in Subsection (1)(b)(i)(A) is interpreted as a
calendar day of:

102 (A) a meeting of the State Board of Education; and

103 (B) any other meeting authorized by the State Board of Education; and

104 (ii) unless the Legislative Compensation Commission issues a revised report on or after July 1, 2016,
the salary for a member of the State Board of Education through calendar year 2016 is \$273 per day
for each calendar day that a member attends a meeting described in Subsection [~~(4)(b)(i)(A)~~] (5)(b)
(i)(A) or (B).

108 Section 3. Section 3 is enacted to read:

109 **49-11-506. Effect of legislator leave on service credit accrual and retirement related
contributions.**

{~~During an annual general session~~} ~~For any day~~ for which an employee elects to use legislator
leave as provided in Section

{~~provided in Section~~} 53G-11-210 or 63A-17-513:

33 (1) the employee will continue to accrue service credit;

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- 34 (2) the participating employer shall continue to pay the employee's retirement related contributions; and
36 (3) the employee may not accrue service credit or receive retirement related contributions for the
employee's service as a legislator.

118 Section 4. Section 4 is enacted to read:

119 **53G-11-210. Legislator leave.**

40 (1) As used in this section:

41 (a) "Authorized legislative day" means the same as that term is defined in Section 63A-17-513.

43 (b) "Legislator" means:

44 (i) a member of the Utah Senate;

45 (ii) a member of the Utah House of Representatives; or

46 (iii) an individual who has been elected as a member described in Subsection (1)(b)(i) or (ii), but has
not yet been sworn in or begun the individual's term of office.

48 (c) "Legislator leave" means the leave described in Subsection (2)(a).

49 (d) "Teacher" means an individual employed by a school district or charter school who is required
to hold an educator license issued by the state board and who has an assignment to teach in a
classroom.

52 (2)

(a) An LEA shall develop a leave policy that grants a teacher who is a legislator paid leave for an
authorized legislative day for the number of hours the legislator requests.

54 (b) In a policy described in Subsection (2)(a), the LEA shall:

55 (i) require a legislator who wishes to use legislator leave for an authorized legislative day that is during
an annual general session, to use legislator leave for the total number of hours that the legislator is
absent from the legislator's position during the annual general session; and

59 (ii) ensure the policy is no more restrictive than the provisions of Section 63A-17-513.

60 (3)

(a) Subject to legislative appropriation and Subsection (3)(b), upon request by a legislator's employer,
the legislator's chamber shall reimburse the legislator's employer for the cost of any legislator leave
the employer granted the legislator during the immediately preceding annual general session.

64 (b) The total amount of reimbursements made under Subsection (3)(a) and Subsection 63A-17-513(4)
may not exceed the amount equal to the total savings resulting from legislators' ineligibility for
salary under Section 36-2-3 and retirement related contributions under Section 49-11-506.

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148 (4) If a legislator chooses not to use legislator leave for an authorized legislative day, the legislator and
the LEA may agree to a different arrangement that accommodates the legislator's legislative service
for the authorized legislative day.

151 Section 5. Section **63A-17-513** is amended to read:

152 **63A-17-513. State employer required to provide legislator leave.**

69 (1) As used in this section:

70 (a) "Authorized legislative day" means:

71 (i) the day on which the Legislature convenes in annual general session, and each day after that day,
until midnight of the 45th day of the annual general session;

73 (ii) a special session day;

74 (iii) a veto override session day;

75 (iv) an interim day designated by the Legislative Management Committee;

76 (v) an authorized legislative training day; or

77 (vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other
entity is held, if:

79 (A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint
resolution;

81 (B) the legislator's attendance at the meeting is approved by the Legislative Management Committee;
and

83 (C) service and payment for service by the legislator is not in violation of the Utah Constitution,
including Article V and Article VI, Sections 6 and 7.

85 (b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee
designates as an authorized legislative day for training or informational purposes, including:

88 (i) chair training;

89 (ii) an issue briefing;

90 (iii) legislative leadership instruction;

91 (iv) legislative process training;

92 (v) legislative rules training;

93 (vi) new legislator orientation; or

94 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official
duties.

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- 96 (c) "Legislator" means:
- 97 (i) a member of the Utah Senate;
- 98 (ii) a member of the Utah House of Representatives; or
- 99 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not
yet been sworn in or begun the individual's term of office.
- 101 (d) "Legislator leave" means the leave described in Subsection (2).
- 102 ~~[(d)]~~ (e) "Retaliatory action" means to:
- 103 (i) dismiss the employee;
- 104 (ii) reduce the employee's compensation;
- 105 (iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled
to or was promised;
- 107 (iv) fail to promote the employee if the employee would have otherwise been promoted; or
- 109 (v) threaten to take an action described in Subsections ~~[(1)(d)(i)]~~ (1)(e)(i) through (iv).
- 110 ~~[(e)]~~ (f) "State employer" means any employer in the state executive branch.
- 111 (2) A state employer who employs an individual who is a legislator:
- 112 (a) subject to Subsection (3), shall grant paid leave to the individual on an authorized legislative day for
the number of hours requested by the individual;
- 114 (b) may not interfere with, or otherwise restrain the individual from, using the leave described in
Subsection (2)(a); and
- 116 (c) may not take retaliatory action against the individual for using the leave described in Subsection (2)
(a).
- 118 ~~[(3) The leave described in Subsection (2) is leave without pay unless the state employer and the
individual described in Subsection (2) agree to terms that are more favorable to the individual.]~~
- 121 (3) If a legislator wishes to use legislator leave for an authorized legislative day that is during an
annual general session, the legislator shall use legislator leave for the total number of hours during
the annual general session that the legislator is absent from the legislator's position with a state
employer.
- 125 (4)
- (a) Subject to legislative appropriation and Subsection (4)(b), upon request by a legislator's state
employer, the legislator's chamber shall reimburse the legislator's state employer for the cost of any

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legislator leave the state employer granted the legislator during the immediately preceding annual general session.

129 (b) The total amount of reimbursements made under Subsection (4)(a) and Subsection 53G-11-210(3)
may not exceed the amount equal to the total savings resulting from legislators' ineligibility for
salary under Section 36-2-3 and retirement related contributions under Section 49-11-506.

217 (5) If a legislator chooses not to use legislator leave for an authorized legislative day, the legislator
and the legislator's state employer may agree to a different arrangement that accommodates the
legislator's legislative service for the authorized legislative day.

220 Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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