

**MEMBERSHIP AND SERVICE OF UTAH
COMMISSIONERS ON NATIONAL CONFERENCE
OF COMMISSIONERS ON UNIFORM STATE LAWS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Greg J. Curtis

LONG TITLE

General Description:

This bill amends the Utah commission whose members serve on the National Conference of Commissioners on Uniform State Laws.

Highlighted Provisions:

This bill:

- ▶ adds a member to the Utah commission;
- ▶ expands the commission to include any Utah commissioner elected to life membership in the National Conference of Commissioners on Uniform State Laws;
- ▶ provides for expenses of life members; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

68-4-5, as last amended by Chapter 243, Laws of Utah 1996

68-4-6, as last amended by Chapter 176, Laws of Utah 2002



28 **68-4-9**, as last amended by Chapter 193, Laws of Utah 1987

29

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

31 Section 1. Section **68-4-5** is amended to read:

32 **68-4-5. Creation -- Members -- Terms -- General counsel -- Vacancies -- Per diem**
 33 **and expenses.**

34 (1) The "Utah Commission on Uniform State Laws" consists of ~~[four]~~ the following
 35 members of the Utah Bar in good standing~~[- one of whom shall be a member of]:~~

36 (a) (i) Two members shall serve in the Legislature at the time of the appointment and
 37 during ~~[his]~~ the legislator's service on the commission. The governor shall appoint one
 38 member from the Senate and one member from the House of Representatives. The service of
 39 the legislative members of the commission shall be a four-year term as provided in Subsection
 40 (1)(a)(iii), or when the term of office as a legislator ends, whichever occurs first.

41 (ii) Two members of the Utah Bar shall be appointed by the governor.

42 ~~[(2)-(a)]~~ (iii) Except as required by Subsection ~~[(b)]~~ (1)(a)(iv), as terms of current
 43 commission members expire, the governor shall appoint each new member or reappointed
 44 member to a four-year term with the consent of the Senate.

45 ~~[(b)]~~ (iv) Notwithstanding the requirements of Subsection ~~[(a)]~~ (1)(a)(ii), the governor
 46 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
 47 terms of commission members are staggered so that approximately half of the commission is
 48 appointed every two years.

49 ~~[(c)]~~ (v) Each commissioner shall serve until his successor is appointed.

50 ~~[(3)]~~ The fourth commissioner shall be

51 (b) In addition to the members appointed under Subsection (1)(a), the Legislature's
 52 general counsel ~~[who]~~ shall serve as a commissioner during the appointment as general
 53 counsel. The Legislature's general counsel may appoint a designee from the Office of
 54 Legislative Research and General Counsel to serve in ~~[his stead]~~ the place of the Legislature's
 55 general counsel. The designee shall serve at the will of the Legislature's general counsel.

56 (c) Any commissioner who has been elected as a life member of the National
 57 Conference of Commissioners on Uniform State Laws because of long service as a
 58 commissioner with the National Conference shall continue as a commissioner as provided in

59 Subsection 68-4-6(3).

60 [~~(4)~~] (2) When a vacancy occurs in the membership [~~for any reason~~] as outlined in
61 Section 68-4-6, the replacement shall be appointed for the unexpired term.

62 [~~(5)~~] (3) (a) (i) [~~Members~~] A member who [~~are~~] is not a government [~~employees shall~~]
63 employee may not receive [~~no~~] compensation or benefits for [~~their services;~~] the member's
64 service but may receive per diem and expenses incurred in the performance of the member's
65 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
66 63A-3-107.

67 (ii) [~~Members~~] A member may decline to receive per diem and expenses for [~~their~~] the
68 member's service.

69 (b) (i) [~~State~~] A state government officer and employee [~~members~~] member who [~~do~~]
70 does not receive salary, per diem, or expenses from [~~their~~] the agency [~~for their~~] the member
71 represents for the member's service may receive per diem and expenses incurred in the
72 performance of [~~their~~] the member's official duties [~~from~~] for the commission at the rates
73 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

74 (ii) [~~State~~] A state government officer and employee [~~members~~] member may decline
75 to receive per diem and expenses for [~~their~~] the member's service.

76 (c) [~~Legislators on the committee~~] A legislative member shall receive compensation
77 and expenses as provided by law and legislative rule.

78 Section 2. Section **68-4-6** is amended to read:

79 **68-4-6. Vacancies.**

80 (1) Upon the death, resignation, failure, or refusal to serve of the commissioners
81 appointed under Subsection 68-4-5[~~(2)(a)~~](1)(a), or if the legislative member ceases to be a
82 member of the Legislature, [~~his~~] the commissioner's office becomes vacant; and the governor
83 shall, with the consent of the Senate, make an appointment to fill the vacancy[~~such~~
84 appointment to be] for the unexpired term of the commissioner creating the vacancy.

85 (2) The commissioner who is the Legislature's general counsel or designee shall serve
86 only during that appointment as the Legislature's general counsel.

87 (3) (a) A commissioner who has been elected as a life member of the National
88 Conference of Commissioners on Uniform State Laws because of long service as a
89 commissioner with the National Conference continues the commissioner's membership in the

90 Utah Commission on Uniform State Laws even though:

91 (i) the legislative member ceases to be a member of the Legislature;

92 (ii) the member of the Utah Bar's term of service expires; or

93 (iii) the Legislature's general counsel ceases that service.

94 (b) Notwithstanding Subsection (3)(a), the position of a commissioner who has been
95 elected as a life member of the National Conference of Commissioners on Uniform State Laws
96 as provided in Subsection (3)(a) becomes vacant and a replacement commission shall be
97 provided as outlined in Section 68-4-5 if:

98 (i) the legislative member ceases to be a member of the Legislature;

99 (ii) the member of the Utah Bar's term of service expires; or

100 (iii) if the Legislature's general counsel ceases that service.

101 Section 3. Section **68-4-9** is amended to read:

102 **68-4-9. Expenditures -- Oversight by Office of Legislative Research and General**
103 **Counsel.**

104 (1) No member of the commission may receive any compensation for that member's
105 services. However, each member shall receive a per diem and shall be paid the actual traveling
106 and other necessary expenses incurred in the discharge of the commissioner's official duties.

107 (2) The Legislature shall make appropriations to the Office of Legislative Research and
108 General Counsel to pay the necessary expenses of the commissioners and to make appropriate
109 contribution on behalf of this state to the National Conference of Commissioners on Uniform
110 State Laws including any expenses of a commissioner who has been elected as a life member
111 of the National Conference of Commissioners on Uniform State Laws.

112 (3) The commissioners shall keep a full account of their expenditures in the discharge
113 of their official duties and shall report the account to the Office of Legislative Research and
114 General Counsel.

Legislative Review Note
as of 12-27-06 2:57 PM

Office of Legislative Research and General Counsel

Fiscal Note**S.B. 110 - Membership and Service of Utah Commissioners on National Conference
of Commissioners on Uniform State Laws**

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/12/2007, 4:34:10 PM, Lead Analyst: Bleazard, M.

Office of the Legislative Fiscal Analyst