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**LEGISLATOR SALARY AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Litvack**

Senate Sponsor: Lyle W. Hillyard

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Julie Fisher	Ronda Rudd Menlove	Larry B. Wiley
Lorie D. Fowlke	Michael T. Morley	Bill Wright

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**LONG TITLE**

**General Description:**

This bill modifies provisions in the legislative title of the Utah Code that govern legislators' daily pay.

**Highlighted Provisions:**

This bill:

- ▶ unless certain contingencies occur, maintains legislators' daily pay at \$117 through the 2011 calendar year, for:
  - annual general sessions;

- 36 • veto-override sessions;
- 37 • special sessions; and
- 38 • authorized legislative meetings;
- 39 ▶ authorizes the Legislative Compensation Commission to issue more than one report
- 40 in an even-numbered year;
- 41 ▶ clarifies the factors that the commission may consider, recommend, and include in
- 42 its report; and
- 43 ▶ makes technical changes.

44 **Monies Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 None

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **36-2-2**, as last amended by Laws of Utah 1999, Chapter 379

51 **36-2-3**, as last amended by Laws of Utah 2009, Chapter 305

52 **36-2-5**, as last amended by Laws of Utah 1999, Chapter 379



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

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

56 **36-2-2. Salaries and expenses of members -- Compensation of in-session**  
57 **employees.**

58 [~~(1)(a)(i) The salary of members of the Legislature is \$100 per day for each calendar~~  
59 ~~day for annual general sessions through the year 2000.]~~

60 [(~~ii~~) (1)(a) Unless rejected or lowered as provided in Section 36-2-3, [~~the salary of~~  
61 ~~members of the Legislature~~] beginning in [~~the year~~] 2001 and in each odd-numbered year  
62 [~~thereafter shall be at~~] after that year, members of the Legislature shall receive a salary equal to  
63 the amount recommended by the Legislative Compensation Commission in [its] the last report

64 issued by the commission in the previous even-numbered year.

65 ~~[(b) (i) Members of the Legislature shall also receive \$100 per day for each day the~~  
66 ~~legislator attends veto-override and special sessions and other authorized legislative meetings~~  
67 ~~through the year 2000.]~~

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

74 ~~[(2) (a) (i) The president of the Senate and the speaker of the House of Representatives~~  
75 ~~shall receive an additional \$1,000 per year through the year 2000.]~~

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

82 ~~[(b) (i) The majority and minority leaders of each house shall receive an additional~~  
83 ~~\$500 per year through the year 2000.]~~

84 ~~[(ii) The salary of the majority and minority leadership of each house beginning in the~~  
85 ~~year]~~

86 ~~(b) Beginning in 2001 and in each odd-numbered year [~~thereafter shall be at~~] after that~~  
87 ~~year, the majority and minority leadership of each house shall receive a salary equal to the~~  
88 ~~amount recommended by the Legislative Compensation Commission in [its] the last report~~  
89 ~~issued by the commission in the previous even-numbered year.~~

90 (3) ~~(a)~~ The Legislature shall:

91 (a) establish, by joint rule of the Legislature, the expenses of its members[-]; and

92 (b) ~~[Rules]~~ ensure that the rules governing expenses ~~[shall be]~~ are based upon:  
93 (i) payment of necessary expenses for attendance during legislative sessions;  
94 (ii) a mileage allowance; and  
95 (iii) reimbursement for other expenses involved in the performance of legislative  
96 duties.

97 (4) (a) The Legislature shall establish the compensation of in-session employees ~~[of~~  
98 ~~the Legislature shall be fixed]~~ by joint resolution at each session of the Legislature.

99 (b) For necessary work done by ~~[the]~~ in-session employees of the Legislature after the  
100 adjournment of ~~[the]~~ a session, ~~[the labor and services rendered shall be approved and attested~~  
101 ~~by]~~ the presiding officer of the house employing that work shall approve payment for the  
102 work.

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

104 **36-2-3. Salaries of members set by Legislature based on recommendations of**  
105 **Legislative Compensation Commission.**

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

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

111 (i) a daily basis:

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

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

115 (ii) an annualized salary.

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

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

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

120 (2) (a) ~~[The Legislature during]~~ During an even-numbered annual general session or  
121 special session in the year immediately preceding the effective date of any salary change, the  
122 Legislature may reject or ~~[lower]~~ decrease the salary recommendation, but may not increase  
123 the salary recommendation.

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

127 (3) ~~[Notwithstanding]~~ Unless the commission issues a revised report after March 11,  
128 2010, and notwithstanding Subsection (2), the salary for a member of the Legislature through  
129 calendar year ~~[2010]~~ 2011 is \$117 per day for each calendar day that the legislator attends:

- 130 (a) the annual general session;
- 131 (b) a veto-override session;
- 132 (c) a special session; or
- 133 (d) an authorized legislative meeting.

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

- 137 (a) takes effect on the day after the day that the contingent action is taken by the  
138 Legislature; and
- 139 (b) supersedes any other salary in effect as of January 1.

140 Section 3. Section **36-2-5** is amended to read:

141 **36-2-5. Duties of Legislative Compensation Commission.**

142 (1) The Legislative Compensation Commission ~~[has the following duties]~~ shall:

143 ~~[(1) It shall]~~ (a) study and formulate recommendations concerning the salary levels for  
144 Utah state legislators~~[- The study should be based];~~

145 (b) base the study and recommendations upon maintaining a citizen Legislature in  
146 Utah, but compensating members fairly for their service in order that all individuals would  
147 have an opportunity to serve~~[- Comparisons with];~~

148           (c) in developing recommendations, consider the salaries of other similar state  
149 legislators and other such factors [should be considered in developing the recommendations.  
150 This study does not include a review of the appropriate expense level of legislators.]; and  
151           ~~[(2) The commission shall]~~ (d) submit to each member of the Legislature, by January  
152 2nd of each even-numbered year, recommendations;  
153           (i) concerning changes, if any, which should be made in the salary plan and its  
154 administration for state legislators[. This recommendation shall]; and  
155           (ii) include a recitation of the provisions of Section 36-2-3.  
156           (2) The Legislative Compensation Commission may issue reports subsequent to  
157 January 2 of an even-numbered year containing revised salary recommendations, including  
158 salary recommendations contingent upon certain action being taken by the Legislature.  
159           (3) As provided in Subsection 36-2-3(1)(c), in formulating its recommendations, the  
160 commission may take into account the amounts received by legislators for legislative  
161 expenses, but may not review the propriety of, or recommend amounts for, legislative  
162 expenses.