

1                   **JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE**  
2                   **COMPENSATION JOINT RULES CHANGES**

3                                   2011 GENERAL SESSION

4                                   STATE OF UTAH

5                           **Chief Sponsor: Wayne A. Harper**

6                           Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This resolution of the Legislature modifies joint and interim rules.

11   **Highlighted Provisions:**

12           This resolution:

- 13           ▶ modifies definitions;
- 14           ▶ provides that lodging expenses are only paid to a legislator as a reimbursement for  
15 actual expenses incurred by the legislator when attending an authorized legislative  
16 meeting;
- 17           ▶ limits lodging expense reimbursements to the federal per diem rates for Salt Lake  
18 City;
- 19           ▶ provides that transportation costs are only paid to a legislator as a reimbursement  
20 for actual expenses incurred by the legislator for travel to and from an authorized  
21 legislative meeting;
- 22           ▶ requires transportation cost reimbursements to be based on the federal privately  
23 owned vehicle mileage reimbursement rate or on the actual cost incurred for  
24 commercial or public transportation;
- 25           ▶ requires legislators to submit supporting documentation with each reimbursement  
26 request;
- 27           ▶ requires the Legislative Expenses Oversight Committee to ensure that procedures



- 28 are established for the purpose of avoiding duplicate or improper reimbursements;
- 29       ▶ permits a legislator to decline to request or receive reimbursement for costs or
- 30 expenses;
- 31       ▶ permits a legislator to request and receive a partial or reduced reimbursement
- 32 amount;
- 33       ▶ modifies provisions governing out-of-state reimbursements for consistency with
- 34 legislative meeting expense reimbursement procedures;
- 35       ▶ repeals provisions that apply different expense policies for the general session,
- 36 including reimbursement for meals and incidentals as opposed to other sessions and
- 37 meetings; and
- 38       ▶ makes technical changes.

39 **Special Clauses:**

40       None

41 **Legislative Rules Affected:**

42 **AMENDS:**

43       **IR1-1-202**

44       **IR1-1-203**

45       **IR3-1-102**

46       **JR5-1-101**

47       **JR5-1-102**

48       **JR5-2-102**

49       **JR5-4-101**

50 **ENACTS:**

51       **JR5-2-103**

52       **JR5-2-104**

53       **JR5-4-102**

54       **JR5-4-103**

55 **REPEALS AND REENACTS:**

56       **JR5-2-101**

57 **REPEALS:**

58       **JR5-3-101**

59 JR5-3-102

60 JR5-3-103



62 *Be it resolved by the Legislature of the state of Utah:*

63 Section 1. **IR1-1-202** is amended to read:

64 **IR1-1-202. Interim Committees -- Creation and Organization of Subcommittees.**

65 (1) An interim committee may establish one or more subcommittees if:

66 (a) a majority of the interim committee votes to create the subcommittee;

67 (b) the [~~per diem and~~] lodging and travel expenses of the subcommittee members can  
68 be adequately covered within the budget of the interim committee; and

69 (c) the interim committee solicits and receives approval from the Legislative  
70 Management Committee to create the subcommittee.

71 (2) The interim committee shall establish the powers and duties of the subcommittee.

72 (3) The cochairs of the interim committee shall:

73 (a) appoint at least four legislators to serve on the subcommittee from the membership  
74 of the interim committee that created the subcommittee; and

75 (b) appoint at least one additional legislator who is a member of the interim committee  
76 that created the subcommittee as chair of the subcommittee.

77 Section 2. **IR1-1-203** is amended to read:

78 **IR1-1-203. Special Committees -- Creation and Organization of Subcommittees.**

79 (1) A special committee may not create a subcommittee unless:

80 (a) the legislation creating the special committee authorizes the creation of a  
81 subcommittee; and

82 (b) the [~~per diem and~~] lodging and travel expenses of the subcommittee members can  
83 be adequately covered from the budget of the special committee.

84 (2) Notwithstanding Subsection (1), a special committee may create a subcommittee if:

85 (a) the legislation creating the special committee does not explicitly prohibit the  
86 creation of a subcommittee;

87 (b) the Legislative Management Committee approves creation of the subcommittee;  
88 and

89 (c) the [~~per diem and~~] lodging and travel expenses of the subcommittee members can

90 be adequately covered from the budget of the special committee.

91 Section 3. **IR3-1-102** is amended to read:

92 **IR3-1-102. Rights of Members to Attend Meetings -- Nonmembers of the**  
93 **Committee or Subcommittee May Not Vote.**

94 (1) Any member of the Legislature may:

95 (a) attend any meeting of an interim committee or any of its subcommittees; and

96 (b) if recognized by the chair, present the member's views on any subject under  
97 consideration by the committee or subcommittee.

98 (2) Notwithstanding Subsection (1), a legislator must be a member of the committee or  
99 subcommittee in order to~~[-(a)]~~ vote on any decision of the committee or subcommittee~~[, or]~~.

100 ~~[(b) receive per diem for attending the meeting unless approval for receiving per diem~~  
101 ~~is obtained from the Legislative Expenses Oversight Committee of the chamber in which the~~  
102 ~~legislator is a member.]~~

103 Section 4. **JR5-1-101** is amended to read:

104 **JR5-1-101. Definitions.**

105 As used in this title~~[-(1) "Authorized]~~ "authorized legislative meeting" means:

106 (1) the annual general session;

107 ~~[(a)]~~ (2) special sessions;

108 ~~[(b)]~~ (3) veto override sessions;

109 ~~[(c)]~~ (4) interim committee and subcommittee meetings;

110 ~~[(d)]~~ (5) management committee and subcommittee meetings;

111 ~~[(e)]~~ (6) executive appropriation and subcommittee meetings; and

112 ~~[(f)]~~ (7) the meetings of any other body where legislative participation is required by  
113 law or authorized by the Legislative Management Committee.

114 ~~[(2) "Mileage" means the mileage reimbursement allowance approved by the Division~~  
115 ~~of Finance for state employees.]~~

116 Section 5. **JR5-1-102** is amended to read:

117 **JR5-1-102. Legislative Expenses Oversight Committee.**

118 (1) The presiding officer and the majority leader and minority leader of each house are  
119 the Legislative Expenses Oversight Committee for that house.

120 (2) Each committee shall:

121 (a) establish procedures to implement the rules on legislative expenses, including  
 122 establishing vouchering systems and procedures for the disbursement of legislative expenses;  
 123 [~~and~~]

124 (b) ensure that legislators do not receive duplicate or improper reimbursements; and  
 125 ~~[(b)]~~ (c) meet at least annually, or at the request of a majority of the committee, to  
 126 review legislative expenses and travel budgets.

127 (3) The presiding officer may authorize temporary emergency legislative expenses.  
 128 Section 6. **JR5-2-101** is repealed and reenacted to read:

## 129 **CHAPTER 2. LODGING EXPENSE REIMBURSEMENT**

### 130 **JR5-2-101. Reimbursement of Lodging Expenses.**

131 If attendance at an authorized legislative meeting necessitates overnight lodging, a  
 132 legislator is entitled to receive reimbursement for any actual lodging expenses incurred by the  
 133 legislator, not to exceed the federal per diem lodging rate for Salt Lake City.

134 Section 7. **JR5-2-102** is amended to read:

### 135 **JR5-2-102. Reimbursement of Travel Expenses.**

136 ~~[(1) This rule governs transportation costs incurred by legislators when the Legislature~~  
 137 ~~is in annual general session.]~~

138 ~~[(2) (a) Each legislator shall receive transportation costs to and from the session.]~~

139 ~~[(b) These costs]~~ (1) A legislator is entitled to receive reimbursement for any travel  
 140 expenses incurred by the legislator in association with the legislator's attendance at an  
 141 authorized legislative meeting.

142 (2) Any travel expenses reimbursed under this section shall be computed on the basis  
 143 of:

144 (a) the actual mileage [~~for private automobile use~~] incurred by the legislator for the  
 145 legislator's non-commercial travel to and from the authorized legislative meeting, to be  
 146 calculated in accordance with the mileage reimbursement allowance approved by the Division  
 147 of Finance for state employees; or

148 (b) the actual cost [~~of alternative commercial transportation]~~ incurred by the legislator  
 149 for commercial or public transportation to and from the authorized legislative meeting.

150 Section 8. **JR5-2-103** is enacted to read:

151 **JR5-2-103. Verification -- Procedures.**

152           (1) Each legislator shall provide supporting documentation for each cost or expense for  
153 which the legislator seeks reimbursement under this chapter.

154           (2) The Legislative Expenses Oversight Committee shall ensure that procedures are  
155 established for the purpose of avoiding duplicate or improper reimbursements.

156           Section 9. **JR5-2-104** is enacted to read:

157           **JR5-2-104. Declining Reimbursement and Reduced Reimbursement.**

158           (1) A legislator may decline to request or receive reimbursement for any expense or  
159 cost that is reimbursable under this chapter.

160           (2) A legislator may request and receive a partial or reduced reimbursement for any  
161 expense or cost that is reimbursable under this chapter.

162           Section 10. **JR5-4-101** is amended to read:

163           **JR5-4-101. Reimbursement for Costs of Out-of-State Travel.**

164           The following rules govern reimbursement for out-of-state travel by legislators:

165           (1) ~~[(a)]~~ Subject to ~~[Subsections (1)(b) and (1)(c), legislators shall]~~ the requirements of  
166 this section, a legislator is entitled to receive reimbursement for all approved actual and  
167 necessary expenses associated with the legislator's out-of-state travel on legislative business.

168           ~~[(b)]~~ (2) The presiding officer, the majority leader, and the minority leader shall meet  
169 annually to establish a policy governing out-of-state travel, including the process for ~~[them to~~  
170 ~~approve out of state]~~ approving out-of-state travel and ~~[approve]~~ authorizing reimbursement of  
171 expenses for that travel as required under Utah Code Section 36-12-17.

172           ~~[(c)]~~ (3) If a legislator elects to travel to an out-of-state destination by private  
173 automobile, the legislator shall receive the lesser of:

174           (a) the actual mileage incurred by the legislator for the legislator's private automobile  
175 use, to be calculated in accordance with the mileage reimbursement allowance approved by the  
176 Division of Finance for state employees; or

177           (b) the actual cost [of alternative commercial transportation, whichever is less]  
178 incurred by the legislator for commercial or public transportation to and from the location of  
179 the out-of-state legislative business.

180           ~~[(2)]~~ (4) Each legislator shall provide supporting documentation for each expense for  
181 which the legislator seeks reimbursement under this chapter.

182           Section 11. **JR5-4-102** is enacted to read:

183 **JR5-4-102. Verification -- Procedures.**

184 (1) Each legislator shall provide supporting documentation for each cost or expense for  
185 which the legislator seeks reimbursement under this chapter.

186 (2) The Legislative Expenses Oversight Committee shall ensure that procedures are  
187 established for the purpose of avoiding duplicate or improper reimbursements.

188 Section 12. **JR5-4-103** is enacted to read:

189 **JR5-4-103. Declining Reimbursement and Reduced Reimbursement.**

190 (1) A legislator may decline to request or receive reimbursement for any expense or  
191 cost that is reimbursable under this chapter.

192 (2) A legislator may request and receive a partial or reduced reimbursement for any  
193 expense or cost that is reimbursable under this chapter.

194 Section 13. **Repealer.**

195 This resolution repeals:

196 **JR5-3-101, Meals and Incidental Expense Reimbursement for Authorized**  
197 **Legislative Meetings, Special Sessions, and Veto Override Sessions.**

198 **JR5-3-102, Lodging Expense Reimbursement for Authorized Legislative**  
199 **Meetings, Special Sessions, and Veto Override Sessions.**

200 **JR5-3-103, Travel Expense Reimbursement for Authorized Legislative Meetings,**  
201 **Special Sessions, and Veto Override Sessions.**

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Legislative Review Note  
as of 1-21-11 1:07 PM

Office of Legislative Research and General Counsel

# FISCAL NOTE

## H.J.R. 13

SHORT TITLE: Joint Resolution to Implement Legislative Compensation Joint Rules Changes

SPONSOR: Harper, W.

2011 GENERAL SESSION, STATE OF UTAH

### STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this resolution will save the Legislature \$728,400 in lodging and meals and incidental expenses compared to FY 2010.

#### STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	(\$728,400)	(\$728,400)
Total Expenditure	\$0	(\$728,400)	(\$728,400)
Net Impact, All Funds (Rev.-Exp.)	\$0	\$728,400	\$728,400
Net Impact, General/Education Funds	\$0	\$728,400	\$728,400

### LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

### DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this resolution likely will not result in direct, measurable expenditures by Utah residents or businesses.