

HJR013S01 compared with HJR013

~~text~~ shows text that was in HJR013 but was deleted in HJR013S01.

inserted text shows text that was not in HJR013 but was inserted into HJR013S01.

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Representative Wayne A. Harper proposes the following substitute bill:

JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE COMPENSATION JOINT RULES CHANGES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: _____

LONG TITLE

General Description:

This resolution of the Legislature modifies joint and interim rules.

Highlighted Provisions:

This resolution:

- ▶ modifies definitions;
- ▶ provides that lodging expenses are only paid to a legislator as a reimbursement for actual expenses incurred by the legislator when attending an authorized legislative meeting;
- ▶ limits lodging expense reimbursements to the federal per diem rates for Salt Lake City;

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- ▶ provides that meals and incidental expenses are only paid to a legislator as a reimbursement for actual expenses incurred by the legislator when attendance at an authorized legislative meeting necessitates overnight lodging;
- ▶ limits meals and incidental expense reimbursements to the federal per diem rates for Salt Lake City;
- ▶ provides that transportation costs are only paid to a legislator as a reimbursement for actual expenses incurred by the legislator for travel to and from an authorized legislative meeting;
- ▶ requires transportation cost reimbursements to be based on the federal privately owned vehicle mileage reimbursement rate or on the actual cost incurred for commercial or public transportation;
- ▶ requires legislators to submit supporting documentation with each reimbursement request;
- ▶ requires the Legislative Expenses Oversight Committee to ensure that procedures are established for the purpose of avoiding duplicate or improper reimbursements;
- ▶ permits a legislator to decline to request or receive reimbursement for costs or expenses;
- ▶ permits a legislator to request and receive a partial or reduced reimbursement amount;
- ▶ modifies provisions governing out-of-state reimbursements for consistency with legislative meeting expense reimbursement procedures;
- ▶ repeals provisions that apply different expense policies for the general session, including reimbursement for meals and incidentals as opposed to other sessions and meetings; and
- ▶ makes technical changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

IR1-1-202

IR1-1-203

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IR3-1-102

JR5-1-101

JR5-1-102

JR5-2-102

JR5-4-101

ENACTS:

JR5-2-103

JR5-2-104

JR5-4-102

JR5-4-103

REPEALS AND REENACTS:

JR5-2-101

REPEALS:

JR5-3-101

JR5-3-102

JR5-3-103

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

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

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

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

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

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

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

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

(3) The cochairs of the interim committee shall:

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

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

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

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

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

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

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

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

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

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

(c) the ~~[per diem and]~~ lodging, meals and incidental expenses, and travel expenses of the subcommittee members can be adequately covered from the budget of the special committee.

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

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

(1) Any member of the Legislature may:

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

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

(2) Notwithstanding Subsection (1), a legislator must be a member of the committee or subcommittee in order to ~~[[[~~

(a) ~~[[[~~ vote on any decision of the committee or subcommittee ~~[[[~~; or ~~[[[~~

~~[[[~~(b) receive [per diem] reimbursement for lodging, meals and incidental expenses, or travel expenses for attending the meeting unless approval for receiving [per diem] the reimbursement is obtained from the Legislative Expenses Oversight Committee of the chamber

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in which the legislator is a member. ~~††~~

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

JR5-1-101. Definitions.

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

(1) the annual general session;

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

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

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

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

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

~~[(f)]~~ (7) the meetings of any other body where legislative participation is required by

law or authorized by the Legislative Management Committee.

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

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

JR5-1-102. Legislative Expenses Oversight Committee.

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

(2) Each committee shall:

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

(b) ensure that legislators do not receive duplicate or improper reimbursements; and

~~[(b)]~~ (c) meet at least annually, or at the request of a majority of the committee, to review legislative expenses and travel budgets.

(3) The presiding officer may authorize temporary emergency legislative expenses.

Section 6. **JR5-2-101** is repealed and reenacted to read:

CHAPTER 2. ~~{LODGING EXPENSE REIMBURSEMENT}~~ REIMBURSEMENTS FOR

OVERNIGHT LODGING AND

MEAL AND INCIDENTAL EXPENSES

JR5-2-101. Reimbursement of Lodging Expenses -- Reimbursement of Meals and

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Incidental Expenses.

If attendance at an authorized legislative meeting necessitates overnight lodging, a legislator is entitled to receive reimbursement for any actual:

(1) lodging expenses incurred by the legislator, not to exceed the federal per diem lodging ~~rate~~ rates for Salt Lake City; and

(2) meals and incidental expenses incurred by the legislator, not to exceed the federal per diem meals and incidental expenses rates for Salt Lake City.

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

JR5-2-102. Reimbursement of Travel Expenses.

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

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

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

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

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

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

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

JR5-2-103. Verification -- Procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JR5-4-102. Verification -- Procedures.

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

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

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

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

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

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

Section 13. Repealer.

This resolution repeals:

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

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

JR5-3-103, Travel Expense Reimbursement for Authorized Legislative Meetings, 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}~~