

1 **JOINT RULES RESOLUTION - LEGISLATIVE**
2 **COMPENSATION AND EXPENSE REVISIONS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lyle W. Hillyard**

6 House Sponsor: Melvin R. Brown

8 **LONG TITLE**

9 **General Description:**

10 This Joint Rules resolution of the Legislature modifies legislative rules for
11 compensation and expense reimbursement.

12 **Highlighted Provisions:**

13 This resolution:

- 14 ▶ changes terms to comply with current compensation and expense requirements;
- 15 ▶ amends the Legislative Management Committee's authority to designate which
16 authorized legislative days qualify for both compensation and expense
17 reimbursement or for expense reimbursement only; and
- 18 ▶ amends per diem and expense related language in Joint Rules and Interim Rules.

19 **Special Clauses:**

20 None

21 **Legislative Rules Affected:**

22 AMENDS:

23 **IR1-1-202**

24 **IR1-1-203**

25 **IR3-1-102**

26 **JR5-2-101**

27 **JR5-3-101**



28 **JR6-2-103**

29

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

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

32 **IR1-1-202. Interim committees -- Creation and organization of subcommittees.**

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

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

35 (b) the [~~per diem~~] compensation and expenses of the subcommittee members can be
36 adequately covered within the budget of the interim committee; and

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

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

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

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

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

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

46 **IR1-1-203. Special committees -- Creation and organization of subcommittees.**

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

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

50 (b) the [~~per diem~~] compensation and expenses of the subcommittee members can be
51 adequately covered from the budget of the special committee.

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

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

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

57 (c) the [~~per diem~~] compensation and expenses of the subcommittee members can be
58 adequately covered from the budget of the special committee.

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

60 **IR3-1-102. Rights of members to attend meetings -- Nonmembers of the**
61 **committee or subcommittee may not vote.**

62 (1) Any member of the Legislature may:

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

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

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

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

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

72 Section 4. **JR5-2-101** is amended to read:

73 **JR5-2-101. Reimbursement of lodging.**

74 (1) Subject to the other provisions of this section, if a legislator's official duties for an
75 authorized legislative day necessitate overnight accommodations, the legislator may receive
76 reimbursement for any actual lodging expenses incurred by the legislator, not to exceed the [~~per~~
77 ~~diem~~] daily rates published in the administrative rules governing reimbursement of lodging
78 expenses for state employees.

79 (2) Reimbursement for actual lodging expenses for a legislator for an authorized
80 legislative day shall be as provided in procedures established by the Legislative Expenses
81 Oversight Committee.

82 Section 5. **JR5-3-101** is amended to read:

83 **JR5-3-101. Legislator compensation -- Expense reimbursement.**

84 (1) [~~A~~] Except as provided under Subsection (2), a legislator shall receive daily
85 compensation established in accordance with Utah Code Sections 36-2-2 and 36-2-3 for
86 authorized legislative days as defined in Section JR5-1-101.

87 (2) The Legislative Management Committee may authorize compensation and expense
88 reimbursement, or expense reimbursement only, for a legislator who attends a meeting on an
89 authorized legislative day as defined in JR5-1-101.

90 Section 6. **JR6-2-103** is amended to read:

91 **JR6-2-103. Independent Legislative Ethics Commission -- Membership.**

92 (1) There is established an Independent Legislative Ethics Commission.

93 (2) The commission is composed of five persons, each of whom is registered to vote in
94 this state, appointed as follows:

95 (a) two members, who have served, but no longer serve, as judges of a court of record
96 in this state, each of whom shall be nominated by the mutual consent of the president of the
97 Senate and the speaker of the House, and appointed by a majority vote of the president of the
98 Senate, speaker of the House, Senate minority leader, and House minority leader;

99 (b) one member, who has served, but no longer serves, as a judge of a court of record
100 in this state, nominated by the mutual consent of the Senate minority leader and the House
101 minority leader, and appointed by a majority vote of the president of the Senate, speaker of the
102 House, Senate minority leader, and House minority leader;

103 (c) one member, who has served as a member of the Legislature in this state no more
104 recently than four years before the date of appointment, appointed by the mutual consent of the
105 president of the Senate and the speaker of the House of Representatives; and

106 (d) one member, who has served as a member of the Legislature in this state no more
107 recently than four years before the date of appointment, appointed by the mutual consent of the
108 Senate minority leader and House minority leader.

109 (3) A member of the commission may not, during the member's term of office on the
110 commission, act or serve as:

111 (a) an officeholder as defined in Section [20A-11-101](#);

112 (b) an agency head as defined in Section [67-16-3](#);

113 (c) a lobbyist as defined in Section [36-11-102](#); or

114 (d) a principal as defined in Section [36-11-102](#).

115 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission
116 shall serve a four-year term.

117 (ii) When appointing the initial members upon formation of the commission, one
118 member nominated by the president of the Senate and the speaker of the House of
119 Representatives and one member nominated by the Senate minority leader and House minority
120 leader shall be appointed to a two-year term so that approximately half of the commission is

121 appointed every two years.

122 (b) (i) When a vacancy occurs in the commission's membership for any reason, a
123 replacement member shall be appointed for the unexpired term of the vacating member using
124 the procedures and requirements of Subsection (2).

125 (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating
126 member is not considered a full term.

127 (c) A member may not be appointed to serve for more than two full terms, whether
128 those terms are two or four years.

129 (d) A member of the commission may resign from the commission by giving one
130 month's written notice of the resignation to the president of the Senate, speaker of the House,
131 Senate minority leader, and House minority leader.

132 (e) The chair of the Legislative Management Committee shall remove a member from
133 the commission if the member:

134 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

135 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral
136 turpitude; or

137 (iii) fails to meet the qualifications of office as provided in this rule.

138 (f) If a commission member is accused of wrongdoing in a complaint, or if a
139 commission member determines that he or she has a conflict of interest in relation to a
140 complaint, a temporary commission member shall be appointed to serve in that member's place
141 for the purposes of reviewing that complaint using the procedures and requirements of
142 Subsection (2).

143 (5) (a) A member of the commission may not receive compensation or benefits for the
144 member's service, but may receive per diem and expenses incurred in the performance of the
145 member's official duties [~~at the rates established by the Division of Finance under~~] as allowed
146 in:

147 (i) [~~Sections~~] Section 63A-3-106 [~~and~~];

148 (ii) Section 63A-3-107[-]; and

149 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
150 63A-3-107.

151 (b) A member may decline to receive per diem and expenses for the member's service.

152 (6) (a) The commission members shall convene a meeting annually each January and
153 elect, by a majority vote, a commission chair from among the commission members.
154 (b) A person may not serve as chair for more than two consecutive years.

Legislative Review Note
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Office of Legislative Research and General Counsel