

## **AGENDA**

### **Legislative Compensation Commission**

***Friday, October 4, 2013, 8:30 AM***  
**Seagull Room, Senate Building**  
**State Capitol Complex**  
**Salt Lake City, Utah**

1. Welcome and Introductions – Paul Williams, Chair
2. Board Business
  - a. *Open and Public Meetings Act* (annual training) – *for information*
  - b. *Duties of the Legislative Compensation Commission* – *for information*
  - c. Selection of Chair/Vice Chair – *for action*
  - d. Minutes from March 8, 2012 – *for consideration*
  - e. Meeting Schedule – *for information*
3. Review of the reports prepared for the 2012 Legislative Session – *for information*
4. Discussion on the work to be done for the 2014 Legislative Session
5. Other/Adjourn



## Open and Public Meetings Act Summary of Key Provisions\*

### Purpose (*Section 52-4-102*)

State and local agencies exist to conduct the people's business, which must be done openly.

### Definitions (*Section 52-4-103*)

- **Meeting** means a convening of a public body with a quorum present to discuss, receive comment, or act on a matter under its jurisdiction or advisory power.
- **Meeting** does not mean a chance or social meeting, a meeting of a public body that has both legislative and executive responsibilities in certain circumstances, or a meeting of the State Tax Commission to consider a confidential tax matter.
- **Public Body** is any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
  - Is created by constitution, statute, rule, ordinance, or resolution;
  - Expends, disburses, or is supported by tax revenue; and
  - Is vested with the authority to make decisions regarding the public's business.

2013 Amendments to the Open and Public Meetings Act

S.B. 77  
Availability of Government Information

S.B. 86  
Independent Executive Branch Ethics Commission

S.B. 148  
Conservation Districts-Closed Meetings Amendments

### Public Notice (*Section 52-4-202*)

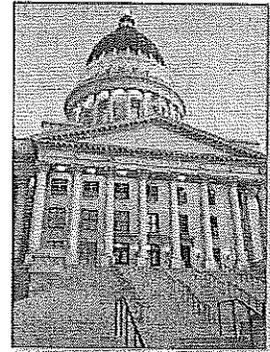
- A public body must give notice at least 24 hours before each meeting. The public notice must:
  - Include the date, time, and place of the meeting;
  - Include an agenda that lists topics to be considered;
  - Be posted in specified places, including the Utah Public Notice Website; and
  - Be provided to a newspaper or local media correspondent.
- A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

### Minutes and Recordings (*Sections 52-4-203 and 52-4-206*)

- 2013 General Session S.B. 77, Availability of Government Information, made changes to the minutes and recordings requirements.
- A public body must keep written minutes and a recording of all meetings. A recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes must:
  - Indicate that the public body has not yet approved the minutes; and
  - Be available to the public within 30 days.
- Within three business days after holding a public meeting, a recording of an open meeting must be posted on the Utah Public Notice Website.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting must be:
  - Posted on the Utah Public Notice Website; and
  - Made available at the public body's primary office;

### Closed Meetings (*Sections 52-4-201, 52-4-204, and 52-4-205*)

- A meeting is open to the public unless it is closed by a two-thirds vote with a quorum present at the open meeting.
- The public body must announce the reasons for the closed meeting and enter the reasons into the minutes of the open meeting.
- The public body may only hold a closed meeting for certain reasons, including:
  - Discussion of a person's character, competence, or health;
  - Strategy for collective bargaining;
  - Pending or imminent litigation;
  - An acquisition of real property, including water rights or shares;
  - Discussion of security system;
  - Investigation of criminal conduct;
  - Specified commercial information discussed by a county legislative body;
  - Certain legislative or political subdivision ethics complaint matters; or
  - Fiduciary or commercial information being discussed by the Utah Higher Education Assistance Authority.
- A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.



### Closed Meeting Exceptions (*Section 52-4-204*)

- No vote is required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint.
- If a public body is required to hold a closed meeting, it may do so by majority vote.

### Emergency Meetings (*Section 52-4-202*)

A public body may not hold an emergency meeting unless it makes an attempt to notify all members and a majority of its members approve the meeting. A public body need not give a 24-hour notice if unforeseen circumstances require an emergency meeting and it gives the best practical notice.

### Electronic Meetings (*Sections 52-4-207 and 52-4-209*)

- A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern them.

### Penalties (*Sections 52-4-302 and 52-4-305*)

- **Open Meetings** - Any final action taken in violation of the act is voidable by a court.
- **Closed Meetings** - It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions.

*\*A public body must provide annual training to its members on the requirements of the Open & Public Meetings Act (Section 52-4-104). This summary is intended for a state legislative audience and should not be construed as exhaustively addressing requirements of the act for other public bodies.*

## PROCEDURES FOR ELECTRONIC MEETINGS.

A. These provisions govern any meeting at which one or more members of the Legislative Compensation Commission may appear telephonically or electronically pursuant to Utah Code § 52-4-207.

B. If one or more members of the Legislative Compensation Commission may participate electronically or telephonically, public notices of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Legislative Compensation Commission not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

C. Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be provided in accordance with Section 52-4-202(3). These notices shall be provided at least 24 hours before the meetings.

D. Notice of the possibility of an electronic meeting shall be given to the members of the Legislative Compensation Commission that may be allowed to appear electronically at least 24 hours before the meeting. In addition, the notice shall describe how the members of the Legislative Compensation Commission authorized to participate electronically may participate in the meeting electronically or telephonically.

E. When notice is given of the possibility of a member of the Legislative Compensation Commission appearing electronically or telephonically, any member of the Legislative Compensation Commission may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Legislative Compensation Commission. At the commencement of the meeting, or at such time as any member of the Legislative Compensation Commission initially appears electronically or telephonically, the Chair shall identify for the record all those who are appearing telephonically

or electronically. Votes by members of the Legislative Compensation Commission who are not at the physical location of the meeting shall be confirmed by the Chair.

F. The anchor location shall be designated in the notice. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. In addition, the anchor location has space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

Adopted by the Legislative Compensation Commission on this 3rd day of October, 2011.

A handwritten signature in blue ink, appearing to read "Daniel P. Shinn", is written over a solid horizontal line.

Chair

Legislative Compensation Commission

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

(1) The Legislative Compensation Commission shall:

(a) study and formulate recommendations concerning the salary levels for Utah state legislators;

(b) base the study and recommendations upon maintaining a citizen Legislature in Utah, but compensating members fairly for their service in order that all individuals would have an opportunity to serve;

(c) in developing recommendations, consider the salaries of other similar state legislators and other such factors; and

(d) submit to each member of the Legislature, by January 2nd of each even-numbered year, recommendations:

(i) concerning changes, if any, which should be made in the salary plan and its administration for state legislators; and

(ii) include a recitation of the provisions of Section 36-2-3.

(2) The Legislative Compensation Commission may issue reports subsequent to January 2 of an even-numbered year containing revised salary recommendations, including salary recommendations contingent upon certain action being taken by the Legislature.

(3) As provided in Subsection 36-2-3(1)(c), in formulating its recommendations, the commission may take into account the amounts received by legislators for legislative expenses, but may not review the propriety of, or recommend amounts for, legislative expenses.

Amended by Chapter 133, 2010 General Session

**36-2-4. Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.**

(1) There is created a state Legislative Compensation Commission composed of seven members appointed by the governor, not more than four of whom shall be from the same political party.

(2) (a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.

(3) In appointing members of the commission, the governor shall give consideration to achieving representation from the major geographic areas of the state, and representation from a broad cross section of occupational, professional, employee, and management interests.

(4) The commission shall select a chair. Four members of the commission shall constitute a quorum. The commission shall not make any final determination without the concurrence of a majority of its members appointed and serving on the commission being present.

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) (a) The commission shall be a citizen commission and no member or employee of the legislative, judicial, or executive branch is eligible for appointment to the commission.

(b) The executive director of the Governor's Office of Management and Budget:

(i) shall provide staff to the commission; and

(ii) is responsible for administration, budgeting, procurement, and related management functions for the commission.

Amended by Chapter 310, 2013 General Session

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

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

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

(i) a daily basis:

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

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

(ii) an annualized salary.

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

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

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

(2) (a) During an even-numbered annual general session or special session in the year immediately preceding the effective date of any salary change, the Legislature may reject or decrease the salary recommendation, but may not increase the salary recommendation.

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

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

(a) the annual general session;

(b) a veto-override session;

(c) a special session; or

(d) an authorized legislative meeting.

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

(a) takes effect on the day after the day that the contingent action is taken by the Legislature; and

(b) supersedes any other salary in effect as of January 1.

Amended by Chapter 133, 2010 General Session



**Minutes**  
**Legislative Compensation Commission (LCC)**  
**Capitol Hill Complex, State Capitol - Room 170**  
**Thursday, March 8, 2012**  
**8:00 a.m. – 9:00 a.m.**

**Present:**

Paul Williams (by phone)	Chair
David Pyne	Vice-Chair
Jim Gowans	Commission Member
Derek Larsen	Commission Member
David Rail	Commission Member
Peggy Wallace	Commission Member
Nicole Sherwood	GOPB Budget and Policy Analyst (staff)
Brian Farr	Legal Counsel, Attorney General's Office (staff)

**1. Welcome (Paul): 8:15 a.m.**

Paul welcomed everyone to the meeting. Due to the fact that Paul was conducting the meeting by phone, the members and staff went through who was present. Paul thanked everyone for coming together again.

**2. Other Items (members' compensation: per diem and expenses) (Nicole): 8:20 a.m.**

Nicole reviewed the reimbursement forms with the members. Per statute, members can receive mileage reimbursement.

**3. Approval of Minutes from March 5, 2012 (Members): 8:25 a.m.**

**Motion: Derek moved to approve the minutes. Jim seconded the motion. The motion passed unanimously.**

**4. Revised Recommendations and Supplemental Report (Members): 8:30 a.m.**

Representative Dee contacted Paul to see if he could come by for a quick meeting regarding the Commission's recommendations and a meeting took place on Tuesday. The purpose of the meeting was to discuss the Commission's recommendations from the last report issued. The main issue discussed was in regards to the boards, committees, commissions, and task forces that legislators serve on that are part of the Executive Branch and/or Judicial Branch. The Commission's recommendations resulted in legislators who serve on these types of boards, committees, commissions, and task forces not being eligible to receive a salary or per diem. The issue is that the Commission based its recommendation on a list of boards, committees, commissions, and task forces from the legislative website. Paul stated that the Commission felt comfortable with what it did because its recommendations were tied to legislative duties. However, staff from the Office of Legislative Research and General Counsel (OLRGC) said this was a sticky point. The Senate was not comfortable with the Commission's

recommendations. The Commission was asked to revisit the recommendations and discuss these issues. In all the years that Paul has served on the Commission, he was not aware that legislators were paid for committees that weren't part of the Legislative Branch. He was uncomfortable speaking for the Commission and making any changes on his own. This is an issue that the Commission had failed to discuss and the main reason for today's meeting.

Legislators are paid a salary of \$117 per day, plus per diem as approved by the Legislative Management Committee. Paul had many more questions and contacted Mike Mower from the Governor's Office to gain a better perspective of how things currently work. Paul clarified that Mike Mower's position or comments didn't represent the Governor's Office. The purpose of the conversation was to get informational/data/facts.

At Tuesday's meeting, the OLRGC presented Paul and the Commission's staff a list of boards, committees, commissions, and task forces that legislators currently are a part of. As a result, one question Paul had is whether or not the Commission should go through the list and decide whether or not legislators should be paid. Paul didn't think that it was a good idea because he didn't think it was part of the Commission's charge. Plus, he didn't think the Commission had a good enough understanding of all of the boards, committees, commissions, and task forces listed. Paul commented that there are quite a few.

The Commission discussed a couple issues. The first issue pertained to the statute for the Commission. The statute says that the Commission should make a recommendation on either a daily rate or an annual salary. The second issue is in regards to understanding legislators' duties and those approved by the Legislature.

Paul also spoke to Representative Dee to see what his thoughts were regarding these issues and where the Commission needed to get. Paul said that he recommended taking away the annual salary language and making the recommendation a daily rate. This recommendation/conversation started with the chart that John Fellows presented at Tuesday's meeting, which included the types of boards, committees, commissions, task forces, etc. that legislators are a part of. A copy of this chart was passed out to the Commission members. Paul asked Representative Dee if this change would work and get the Commission to where the Senate felt comfortable. Representative Dee said that he thought it would.

Brian stated that the real issue is what to do with Recommendation #2 in the last report issued by the Commission. John Fellows recommended language to give the Commission an idea of the issues. A copy of this proposed language was passed out to the Commission members.

If you look at the Commission's statute, the salary can be based on a daily rate or an annual salary. The statute doesn't allow the Commission to do a hybrid. There are two paths that can be taken. First, Paul suggested backing off an

annualized salary and recommended going to a daily rate. Second, adding a supplemental recommendation stating that the Commission currently doesn't have the authority to make this type of recommendation, but if it did have the authority then this is the recommendation the Commission would make.

Derek wanted to know exactly what the Commission needed to deal with. Jim stated that the Commission is specifically dealing with extra meetings. Jim gave an example of legislators being paid for serving on an Executive Branch Commission and being paid the daily rate and per diem rates for serving on this particular Commission. Peggy said that there are unique circumstances, but these types of situations should be handled by leadership instead of the Commission. Peggy thought it important to understand who has authority over what. Derek clarified that again the Commission's recommendations have to be a daily rate or an annual salary. David Pyne asked whether the days would be capped. It was stated that the days wouldn't be capped and they could go beyond the 60 days. The Commission's recommendation would be that the salary is \$273 for 60 days. Then they would go beyond that with anything approved by the Legislative Management Committee. They would determine what is paid above and beyond the 60 days. David Pyne said that this is something he would support.

Paul mentioned that the Commission can leave the recommendations as is. The issue Paul had is that legislators are getting paid to attend Executive and Judicial meetings, which is something that had not been discussed or even crossed his mind. He had always assumed that the Commission is responsible for determining the pay associated with the office as a legislator; legislative duties related to the Legislative Branch. He just didn't know enough about the issue. He said that he is not opposed to it, but he just doesn't know enough. He is trying to get up to speed because the Session ends tonight. The Commission can use John Fellow's language or take out the annual salary and change to a daily rate. This will give them the latitude to do what the Legislature is already doing.

The Commission's staff asked the OLRGC what boards, committees, commissions, and task forces they kept referring to. At Tuesday's meeting the OLRGC provided Paul and the Commission's staff with a list as mentioned above. A copy was distributed to the Commission members. The question came up of how the list is created. John Fellows had said at Tuesday's meeting that the list is created by the Legislative Management Committee. At a late date the OLRGC gave the Commission an expanded list and now expect the Commission to make a decision. The Commission agreed that it's a decision that needs more attention.

The statute includes that the Commission can approve the salary for authorized legislative meetings. In their own rules, Joint Rules of the Legislature, authorized legislative meetings is defined by what Legislative Management Committee decides. The Commission doesn't have control on the joint rules. The original

recommendation included the approval of both the Legislature and the Governor. However, the Legislature backed away from this.

One of the questions is who approves the extra meetings and what parameters are set up to determine what extra meetings qualify? The sentiment seems to let the Legislature decide. Jim reiterated that most things have to be approved by the Legislative Management Committee.

The problem is that the array of boards, committees, commissions, and task forces presented at Tuesday's meeting is much broader than what the Commission had seen before. Jim stated that they won't even know what some of the committees are until after tonight. Everybody gets a chance to put a master study list together and it is approved in statute. Then the Legislature picks which ones they can fund this year. Usually meetings take place during interim, before the next session. That is where the Legislature uses its flexibility.

Jim asked Paul what the big concern was in regards to an annual rate versus a daily rate. Is it just the extra committees that aren't black and white? Paul confirmed that this is the issue. Currently the Commission has a split recommendation. If the Commission changes to a daily rate it gives the Senate what it wants and it takes the role away from of the Commission and puts it on the Legislature to determine what they should and should not approve.

As statute states, the Commission needs to make recommendations on the basis to maintain a citizen legislature. Also, Derek said that the purpose of the recommendations is to create transparency.

Paul stated that he is worried about the Commission giving too much. The only time the Commission gets the Legislature's attention is when they want something. We show up to present our recommendations and these last couple of times the Legislature hasn't asked us to present or talk about the recommendations. Paul continued by stating that it's ok, but it would be helpful to know the concerns ahead of time and not quite so late. We go to a lot a work and do the best we can. Really it's hard for as a Commission to get their attention. If we give too much, then we're not going to get it back. He wants to be judicious. The problem is making a decision, based on an understanding that all of us don't have.

Brian mentioned that in going to the daily rate, the Commission should be looking at possible realms and parameters. There is a Supreme Court case that relates to this issue. During the 1990s there was a case in regards to legislators serving on the Judicial Conduct Commission. It went to the Supreme Court. The issue at hand was the setting up an office of profit and trust and violating the Constitution. There are some constitutional limits on what the Legislature can do.

The Commission could add in something about following the Constitution. Peggy liked this idea because it would remind the Legislature that it should be following the letter of the law.

**Motion: David Pyne made the motion to adopt the proposed language as presented, to include language in accordance with the State Constitution, and adopt the \$273 daily rate.**

Paul wanted to discuss the motion and get everyone's thoughts.

**David Rail:** I agree with David's motion as long as everything is put together.

**Derek:** It feels like confusion to me. I thought we were clear on Monday. If we go to a daily rate for up to 60 days, then it is the same thing we were going for.

**Peggy:** I am comfortable with it.

**Jim:** I am fine with the changes.

Brian clarified that Recommendation #1, as it now is written, pertains to receiving a salary and per diem based on actual days. For the extra meetings, legislators can get up to \$273 (whatever is approved by the Legislative Management Committee) so as long as the meeting complies with the three condition as follows: set up in statute, set up in a joint resolution or approved by the Legislative Management Committee, and that it's consistent with the Constitution principles.

David Pyne asked how many days do legislators usually meet. Brian responded by saying that they meet 45 days in the Session, about eight interim days a year, and possibly a couple other days for things like a Special Session, etc. David Rail stated that legislators receive a check at the beginning of the Session for the whole Session. So if we authorize up to 60 days then will we be ok. Peggy mentioned that if you don't show up to your committee meeting then you don't get paid. Jim commented that leadership gets stipends at the same time. Legislators get paid up front for the Session and then monthly for attending interim meetings.

The Commission looked at wording from the last report issued. The Commission spoke about replacing the annual salary language with a daily salary language in Recommendation #1. Then the Commission spoke about John Fellows recommended language for Recommendation #2. Also, adding the constitutional language and crossing off legislative leadership.

Brian read proposed language (based on the Commission's discussions) for Recommendation #2 and stated that constitutional language would be added to iii. The Commission thought that the changes seem to get the OLRGC everything they asked for, subject to constitutional revisions. Paul was concerned in regards to whether or not language needed to be added to Recommendation #1. He wanted to make sure everything was covered.

**David withdrew his motion.**

**Substitute Motion: David Pyne made the motion to adopt the following agreed-upon language as read by Brian and discussed as follows:**

**Recommendation #1:**

The Commission recommends that for transparency purposes the daily per diem allowances for food and lodging be replaced with an expense reimbursement system.

The Commission recommends that if legislators eliminate the daily per diem allowances for food and lodging and change to an expense reimbursement system for actual lodging, actual meal and incidental expenses if lodging is necessary, mileage, and travel expenses, then contingent upon these changes the Commission recommends that legislators be paid a daily salary of \$273 per day for the general session, interim days, special sessions, and veto override sessions. Further, the \$273 daily rate is based upon combining the existing \$117 daily rate with the two existing per diem rates of \$95 and \$61. With the elimination of the per diems, members of the Legislature may seek reimbursement for actual travel related expenses similar to the reimbursements for state employees as outlined in the Division of Finance's Utah Admin. Code R.25-7.

The Commission recommends that, if the Legislature is called in due to a natural disaster or other emergency situation that is beyond the scope of these recommendations, the Commission may reconvene to consider compensating legislators for time taken for those circumstances at the daily rate of \$273.

If the Legislature rejects the Commission's recommendations then the salary for a member of the Legislature will remain at the current rate of \$117 per day for 60 days per year.

**Recommendation #2:**

If legislators eliminate the daily per diem allowances for food and lodging and change to an expense reimbursement system for actual lodging, actual meal and incidental expenses as set forth above, then contingent upon these changes the Commission recommends that legislators who serve on committees, commissions, or task forces, other than Standing Committees, Interim Committees, Legislative Management Committee, Executive Appropriations Committee, and Appropriation Subcommittees, be paid up to an additional \$273 per day for required meetings of such committees, commissions, or task forces held on days other than the general session, special sessions, veto override sessions, and interim days, if (i) the committee, commission, or task force is created by statute or joint resolution, (ii) the meeting and amount is approved by the Legislative Management Committee, and (iii) service and payment for service on such committee, commission or task force is not in violation of Article V, Article VI Sections 6 and 7, or other provisions of the Constitution of Utah.

**David Rail seconded the motion. The motion passed unanimously.**

**5. Additional Meetings (Chair): 9:05 a.m.**

None.

**6. Adjourn (Members): 9:10 a.m.**

**Motion: David Pyne made a motion to adjourn. Derek seconded the motion. The motion passed unanimously.**



## **Legislative Compensation Commission**

### **Meeting Schedule**

All meetings scheduled for 8:30-10:30 AM in Seagull Room, Senate Building

1. Friday, October 4
2. Friday, October 11
3. Friday, October 25
4. Friday, November 1
5. Friday, November 8
6. Friday, November 22
7. Friday, December 6
8. Friday, December 13
9. Friday, December 27

### **Other Dates of Interest:**

1. Executive Appropriations Committee meets on November 19 and December 10.  
The committee would like a written report by one of those dates.
2. Legislative Compensation Commission is required to publish its report by January 2, 2014.



## **Summary of the Reports of the 2012 Legislative Compensation Commission**

The Legislative Compensation Commission met in the autumn of 2011 to “study and formulate recommendations concerning salary levels for Utah state legislators”. As with the two previous years’ efforts, the commission considered establishing an annual salary versus a daily rate and establishing an expense reimbursement system rather than per diem allowances. Of the latter, members of the commission indicated some had been lobbied by legislators to address the issue which had the effect of compensating local legislators for expenses they did not incur while legislators who travelled greater distances actually had to pay lodging, food and travel costs.

The commission submitted its report to the Executive Appropriations Committee on December 13, 2011 with two recommendations:

### *Report of the Utah Legislative Compensation Commission Prepared for the 2012 General Session of the Utah State Legislature*

#### **Recommendation #1:**

The Commission recommends for transparency purposes if legislators eliminate the daily per diem allowances for food and lodging and change to an expense reimbursement system for actual lodging, actual meal and incidental expenses if lodging is necessary, mileage, and travel expenses, then contingent upon these changes the Commission recommends that legislators move to an annual salary of \$16,380 (based on 60 days, 8 hours per day, \$34.13 an hour).

#### **Recommendation #2:**

The Commission recommends that additional compensation for legislative leaders remain at \$3,000 per year for the Senate President and the House Speaker and at \$2,000 per year for the Majority and Minority Leaders.

As the commission prepared its report for publication, and subsequent to its release, other issues were raised and clarifications sought, which would result in the release of a second report, ultimately revised, on March 8, 2012, with two additional recommendations and expansion of the original recommendations.

### *Second Revised Supplemental Report of the Utah Legislative Compensation Commission Prepared for the 2012 General Session of the Utah State Legislature.*

#### **Recommendation #1:**

The Commission recommends that for transparency purposes the daily per diem allowances for food and lodging be replaced with an expense reimbursement system.

**Recommendation #4:**

The Commission recommends that a fourth leadership position in Senate and House Minority leadership, namely the Senate and House Minority Caucus Managers, be added to those leadership positions receiving additional compensation for legislative leadership of \$2,000 per year because the positions have been longstanding, have increased in duties, and have responsibilities similar to other leadership positions.

**2012 General Session Legislation:**

Following the release of the report and concurrent with efforts resulting in the second report, the House of Representatives passed House Joint Rules Resolution (HJR) 22 *Joint Rules Resolution on Compensation and Expense Reimbursements* (Dee). However, HJR 22 died in Senate Rules Committee at the end of the legislative session. As a result, no changes were made to legislative compensation.

**2013 General Session Legislation:**

In 2013, the legislature again took up the *Second Revised Report* with HJR 6 *Joint Rules Resolution - Compensation and Expense Reimbursements* (Dee) which passed both houses and became effective February 1, 2013.

While HJR 6 does not specifically and directly address each of the recommendations, the passage of HJR 6 effectively provided for the adoption of the four recommendations. By adopting the contingent changes set forth in the first two recommendations and by neither rejecting nor lowering the commission's recommendations respecting salary and by not reducing the then existing compensation, the Utah State Legislature pursuant to UCA 36-2-2 accepted all four recommendations.

**Recommendation #1:** Consistent with this recommendation, HJR 6 amended JR5-1-102 to establish an expense reimbursement system and made clear in JR5-2-101, 102, and 103 that per diem rates are the same as provided for state employees. HJR 6 also made clear legislators shall receive daily compensation per the commission's recommendations.

**Recommendation #2:** HJR 6 changed the definition of "authorized legislative day" in JR5-1-101 to fit recommendation.

**Recommendation #3:** The recommendation maintains the status quo for leadership compensation.

**Recommendation #4:** The recommendation expanded the list of Majority and Minority Leaders to include House and Senate Minority Caucus Managers.

All recommendations are now implemented.

*Second Revised  
Supplemental Report of The*

**Utah  
Legislative Compensation  
Commission**



(Photo by Capitol Preservation Board)

**Prepared for the 2012 General Session of the Utah State Legislature**

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Governor's Office of Planning and Budget  
State Capitol Complex, Suite 150  
Salt Lake City, UT 84114  
Telephone: (801) 538-1027

## Legislative Compensation Commission

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March 8, 2012

### To the Utah State Legislature:

Transmitted herewith is the *Second Revised Supplemental Report of the Utah Legislative Compensation Commission Prepared for the 2012 General Session of the Utah State Legislature*.

According to Utah law (UCA 36-2-5) the Utah Legislative Compensation Commission (Commission) may issue reports subsequent to January 2 of an even-numbered year containing revised salary recommendations, including salary recommendations contingent upon certain action being taken by the Legislature. In addition, as provided in Utah law (UCA 36-2-3) this salary recommendation shall be based on either a daily basis or an annualized salary. In preparing its report, the Commission may recommend salary amounts that take into account the amounts received by legislators for legislative expenses; and provide alternative salary amounts based upon the occurrence of various contingencies.

The revised recommendations further clarify the Commission's intent and goals to improve transparency and help address the rural versus urban salaries of legislators.

In making these recommendations we have considered the salaries of similar state legislators and other factors as directed by the Legislature. A guiding principle for the making and suggested implementation of these recommendations is the legislative mandate of "maintaining a citizen Legislature in Utah, but compensating members fairly for their service in order that all individuals would have an opportunity to serve." Utah Code 36-2-5(1)(b).

The Commission makes the following revised recommendations:

### **Recommendation #1:**

The Commission recommends that for transparency purposes the daily per diem allowances for food and lodging be replaced with an expense reimbursement system.

The Commission recommends that if legislators eliminate the daily per diem allowances for food and lodging and change to an expense reimbursement system for actual lodging, actual meal and incidental expenses if lodging is necessary, mileage, and travel expenses, then contingent upon these changes the Commission recommends that legislators be paid a daily salary of \$273 per day for the general session, interim days, special sessions, and veto override sessions. Further,

The Commission recommends that if legislators eliminate the daily per diem allowances for food and lodging and change to an expense reimbursement system for actual lodging, actual meal and incidental expenses if lodging is necessary, mileage, and travel expenses, then contingent upon these changes the Commission recommends that legislators be paid a daily salary of \$273 per day for the general session, interim days, special sessions, and veto override sessions. Further, the \$273 daily rate is based upon combining the existing \$117 daily rate with the two existing per diem rates of \$95 and \$61. With the elimination of the per diems, members of the Legislature may seek reimbursement for actual travel related expenses similar to reimbursements for state employees as outlined in [Utah Administrative Code R25-7].

The Commission recommends that, if the Legislature is called in due to a natural disaster or other emergency situation that is beyond the scope of these recommendations, the Commission may reconvene to consider compensating legislators for time taken for those circumstances at the daily rate of \$273.

If the Legislature rejects the Commission's recommendations then the salary for a member of the Legislature will remain at the current rate of \$117 per day for 60 days per year.

**Recommendation #2:**

If legislators eliminate the daily per diem allowances for food and lodging and change to an expense reimbursement system for actual lodging, actual meal and incidental expenses as set forth above, then contingent upon these changes the Commission recommends that legislators who serve on committees, commissions, or task forces, other than Standing Committees, Interim Committees, Legislative Management Committee, Executive Appropriations Committee, and Appropriations Subcommittees, be paid up to an additional \$273 per day for required meetings of such committees, commissions, or task forces held on days other than the general session, special sessions, veto override sessions, and interim days, if (i) the committee, commission, or task force is created by statute or joint resolution, (ii) the meeting and amount is approved by the Legislative Management Committee, and (iii) service and payment for service on such committee, commission or task force is not in violation of Article V, Article VI Sections 6 and 7, or other provisions of the Constitution of Utah.

**Recommendation #3:**

The Commission recommends that additional compensation for legislative leaders remain at \$3,000 per year for the Senate President and the House Speaker and at \$2,000 per year for the Majority and Minority Leaders, including the Chairs of the Executive Appropriations.

the \$273 daily rate is based upon combining the existing \$117 daily rate with the two existing per diem rates of \$95 and \$61. With the elimination of the per diems, members of the Legislature may seek reimbursement for actual travel related expenses similar to reimbursements for state employees as outlined in the Division of Finance's Utah Admin. Code. R.25-7.

The Commission recommends that, if the Legislature is called in due to a natural disaster or other emergency situation that is beyond the scope of these recommendations, the Commission may reconvene to consider compensating legislators for time taken for those circumstances at the daily rate of \$273.

If the Legislature rejects the Commission's recommendations then the salary for a member of the Legislature will remain at the current rate of \$117 per day for 60 days per year.

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**Recommendation #3:**

The Commission recommends that additional compensation for legislative leaders remain at \$3,000 per year for the Senate President and the House Speaker and at \$2,000 per year for the Majority and Minority Leaders, including the Chairs of the Executive Appropriations.

**Recommendation #4:**

The Commission recommends that a fourth leadership position in Senate and House Minority leadership, namely the Senate and House Minority Caucus Managers, be added to those leadership positions receiving additional compensation for legislative leadership of \$2,000 per year because the positions have been longstanding, have increased in duties, and have responsibilities similar to other leadership positions.

The Commission appreciates the opportunity to serve the State, Governor, and Legislature and we express our thanks to the staff for their expertise and support.

Sincerely,

**The Utah Legislative Compensation Commission**

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**Paul D. Williams, Chair**

**David Pyne, Vice-Chair**

**James R. Gowans**

**Derek Larsen**

**David L. Rail**

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