

1 **UNIFORM LAW COMMISSION REIMBURSEMENT**

2 **AMENDMENTS**

3 2023 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael K. McKell**

6 House Sponsor: Nelson T. Abbott

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies expense reimbursement requirements and updates language relating
11 to Utah members of the Uniform Law Commission.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ updates terminology;
- 15 ▶ modernizes titles and references to the Uniform Law Commission;
- 16 ▶ modifies provisions related to uniform law commissioner duties; and
- 17 ▶ modifies provisions that govern expense reimbursement requirements for uniform

18 law commissioners.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **68-4-5**, as last amended by Laws of Utah 2020, Chapter 352

26 **68-4-6**, as last amended by Laws of Utah 2020, Chapter 352

27 **68-4-8**, as last amended by Laws of Utah 2011, Chapter 356

28 **68-4-9**, as last amended by Laws of Utah 2011, Chapter 356

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

31 Section 1. Section **68-4-5** is amended to read:

32 **68-4-5. Creation -- Members -- Terms.**

33 (1) There is established the "Utah Commission on Uniform State Laws," which
34 consists of members of the Utah State Bar who are appointed as commissioners to the
35 [~~National Conference of Commissioners on Uniform State Laws~~] Uniform Law Commission as
36 follows:

37 (a) one commissioner, appointed by the governor with the advice and consent of the
38 Senate, who shall be a member of the Senate at the time of appointment;

39 (b) one commissioner, appointed by the governor with the advice and consent of the
40 Senate, who shall be a member of the House of Representatives at the time of appointment;

41 (c) two commissioners, appointed by the governor with the advice and consent of the
42 Senate, who shall be active members of the Utah State Bar;

43 (d) one commissioner who is the Legislature's general counsel or, alternatively, an
44 attorney from the Office of Legislative Research and General Counsel who is appointed by the
45 general counsel;

46 (e) any commissioner that has previously served as a member of the commission and
47 has been elected as a life member of the [~~National Conference of Commissioners on Uniform
48 State Laws~~] Uniform Law Commission according to the conference's constitution, bylaws, and
49 rules of procedure; and

50 (f) up to one associate commissioner, appointed by the Legislature's general counsel,
51 who is an attorney from the Office of Legislative Research and General Counsel.

52 (2) Commissioners appointed by the governor shall be appointed for four-year terms
53 commencing on the date of their confirmation by the Senate.

54 (3) A commissioner continues to serve:

55 (a) unless the commissioner dies or resigns;

56 (b) unless the commissioner ceases to be a member of the Utah State Bar in good
57 standing; or

58 (c) (i) for a commissioner appointed by the governor and notwithstanding expiration of
59 the commissioner's term under Subsection (2), until the governor:

60 (A) reappoints the commissioner to a new term; or

61 (B) appoints a successor commissioner;

62 (ii) for the general counsel, until the general counsel ceases to serve as general counsel
63 or appoints an attorney to serve in the general counsel's place;

64 (iii) for a commissioner appointed to serve in the place of the general counsel, until the
65 general counsel chooses to serve as a commissioner or appoints a successor commissioner; or

66 (iv) for an associate commissioner, until the general counsel appoints a successor
67 commissioner or elects not to fill the position of associate commissioner.

68 Section 2. Section **68-4-6** is amended to read:

69 **68-4-6. Vacancies.**

70 (1) For a commissioner who serves in a governor-appointed position described in
71 Subsection **68-4-5**(1)(a), (b), or (c):

72 (a) the office of a commissioner becomes vacant and the governor, with the advice and
73 consent of the Senate, shall immediately appoint a new commissioner upon the
74 commissioner's:

75 (i) death;

76 (ii) resignation; or

77 (iii) failure to be a member of the Utah State Bar in good standing; and

78 (b) the governor may, with the advice and consent of the Senate, appoint a new
79 commissioner or, as applicable, reappoint the current commissioner, provided that the current
80 commissioner meets the requirements for appointment, after any of the following events:

81 (i) the commissioner's failure to actively serve as commissioner;

82 (ii) the commissioner's refusal to serve as commissioner;

83 (iii) expiration of the commissioner's term;

84 (iv) the commissioner's appointment to another position on the commission; or

85 (v) the commissioner's election as a life member of the ~~National Conference of~~

86 ~~Commissioners on Uniform State Laws]~~ Uniform Law Commission.

87 (2) (a) ~~[The]~~ A commissioner who is the Legislature's general counsel shall serve only
88 while acting as the Legislature's general counsel.

89 (b) A commissioner who is serving as an appointee of the Legislature's general counsel
90 shall serve ~~[at the will of the]~~ until the general counsel chooses to serve as a commissioner or
91 appoints a successor commissioner.

92 Section 3. Section **68-4-8** is amended to read:

93 **68-4-8. Duties of a commissioner.**

94 (1) ~~[The commissioners]~~ A commissioner shall:

95 (a) participate in the ~~[National Conference of Commissioners on Uniform State Laws]~~
96 Uniform Law Commission on behalf of the state, including attending the annual meeting of the
97 Uniform Law Commission;

98 (b) examine the subjects upon which uniformity of legislation in the various states of
99 the union is desirable but that are outside the jurisdiction of the Congress of the United States;

100 (c) confer upon these matters with the commissioners appointed by other states for the
101 same purpose;

102 (d) at the direction of the ~~[National Conference of Commissioners on Uniform State~~
103 ~~Laws]~~ Uniform Law Commission, serve on national committees that develop and draft uniform
104 and model laws; and

105 (e) devise and recommend other means to accomplish the purposes of this chapter.

106 (2) ~~[The commission]~~ A commissioner may request that a legislator ~~[to sponsor, as an~~
107 ~~item on the interim study resolution]~~ consider sponsoring, as an interim study item or as a bill
108 or resolution for introduction, any uniform legislation that ~~[the commission]~~ a commissioner
109 determines would be in the best interests of the state to adopt.

110 Section 4. Section **68-4-9** is amended to read:

111 **68-4-9. Expenditures -- Reimbursement.**

112 (1) ~~[A]~~ Except as otherwise provided by legislative policies and procedures under
113 Subsection (3), a commissioner may not receive compensation or benefits for the

114 commissioner's service, but may receive per diem and travel expenses in accordance with:

115 (a) Section 63A-3-106;

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

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

118 63A-3-107.

119 (2) The Legislature shall make appropriations to Legislative Services and to the Office
120 of Legislative Research and General Counsel to pay the necessary per diem and expenses of the
121 commissioners and to make an appropriate contribution on behalf of this state to the [National
122 Conference of Commissioners on Uniform State Laws] Uniform Law Commission, including
123 any per diem and expenses of a commissioner who has been elected as a life member of the
124 [National Conference of Commissioners on Uniform State Laws] Uniform Law Commission.

125 [~~(3) The commissioners shall keep a full account of their expenditures in the discharge~~
126 ~~of their official duties and shall report the account to the Office of Legislative Research and~~
127 ~~General Counsel.]~~

128 (3) Notwithstanding Subsection (1):

129 (a) a commissioner who is employed by the Office of Legislative Research and General
130 Counsel shall receive reimbursement for their expenditures incurred in the discharge of their
131 official duties according to the policies and procedures of the Office of Legislative Research
132 and General Counsel; and

133 (b) a commissioner who is not employed by the Office of Legislative Research and
134 General Counsel shall receive reimbursement for the commissioner's expenditures incurred in
135 the discharge of their official duties according to the policies and procedures of Legislative
136 Services.