

Clinton D. Okerlund proposes the following substitute bill:

Legislator Leave Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Clinton D. Okerlund

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill modifies provisions related to legislators who are public employees.

Highlighted Provisions:

This bill:

- provides paid leave to a state employee or teacher for the purpose of serving as a state legislator;
- addresses the use and administration of legislator leave;
- provides that a legislator may not receive salary or accrue service credit or receive retirement related contributions for time during which the legislator uses legislator leave;
- allows a state employer or local education agency to seek partial reimbursement for the costs related to legislator leave; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-2-2, as last amended by Laws of Utah 2024, Chapter 425

36-2-3, as last amended by Laws of Utah 2016, Chapter 61

63A-17-513, as enacted by Laws of Utah 2024, Chapter 402

ENACTS:

49-11-506, Utah Code Annotated 1953

53G-11-210, Utah Code Annotated 1953

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

30 Section 1. Section **36-2-2** is amended to read:

31 **36-2-2 . Salaries and expenses of members -- Compensation of in-session**
32 **employees.**

33 (1)(a) [~~Unless rejected or lowered~~] Except as provided in Section 36-2-3, beginning in
34 2001 and in each odd-numbered year after that year, members of the Legislature shall
35 receive a salary equal to the amount recommended by the Legislative Compensation
36 Commission in the last report issued by the commission in the previous
37 even-numbered year.

38 (b) [~~Unless rejected or lowered~~] Except as provided in Section 36-2-3, beginning in 2001
39 and in each odd-numbered year after that year, members of the Legislature shall
40 receive a salary for attendance at a veto-override, special session, and other
41 authorized legislative meetings equal to the amount recommended by the Legislative
42 Compensation Commission in the last report issued by the commission in the
43 previous even-numbered year.

44 (2)(a) [~~Unless rejected or lowered~~] Except as provided in Section 36-2-3, beginning in
45 2001 and in each odd-numbered year after that year, the president of the Senate and
46 the speaker of the House of Representatives shall receive a salary equal to the amount
47 recommended by the Legislative Compensation Commission in the last report issued
48 by the commission in the previous even-numbered year.

49 (b) [~~Beginning~~] Except as provided in Section 36-2-3, beginning in 2001 and in each
50 odd-numbered year after that year, the majority and minority leadership of each
51 chamber shall receive a salary equal to the amount recommended by the Legislative
52 Compensation Commission in the last report issued by the commission in the
53 previous even-numbered year.

54 (3) The Legislature shall:

55 (a) establish, by joint rule of the Legislature, the expenses of its members; and

56 (b) ensure that the rules governing expenses are based upon:

57 (i) payment of necessary expenses for attendance during legislative sessions;

58 (ii) a mileage allowance; and

59 (iii) reimbursement for other expenses involved in the performance of legislative
60 duties.

61 Section 2. Section **36-2-3** is amended to read:

62 **36-2-3 . Salaries of members set by Legislature and State Board of Education**

63 **based on recommendations of Legislative Compensation Commission.**

64 (1)(a) Except as provided in Subsection (2)~~[-or (3)]~~, (3), or (4), the salaries of members
65 of the Legislature shall automatically be set beginning January 1 of each
66 odd-numbered year at the amount recommended by the Legislative Compensation
67 Commission in the last report issued by the commission in the preceding
68 even-numbered year.

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

70 (i) a daily basis:

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

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

74 (ii) an annualized salary.

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

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

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

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

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

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

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

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

92 (4) If a legislator elects to use legislator leave as provided in Section 53G-11-210 or
93 63A-17-513, the legislator may not receive salary under this part for any day for which
94 the legislator elects to use legislator leave.

95 [~~4~~] (5)(a) The salary for a member of the State Board of Education shall be:

96 (i) the same as the salary for a member of the Legislature; and

- 97 (ii) except as provided in Subsection [~~(4)(b)~~] (5)(b), set in accordance with this
 98 section and Subsection 36-2-2(1).
- 99 (b) For purposes of setting the salary for a member of the State Board of Education:
- 100 (i) a calendar day for the annual general session described in Subsection (1)(b)(i)(A)
 101 is interpreted as a calendar day of:
- 102 (A) a meeting of the State Board of Education; and
 103 (B) any other meeting authorized by the State Board of Education; and
- 104 (ii) unless the Legislative Compensation Commission issues a revised report on or
 105 after July 1, 2016, the salary for a member of the State Board of Education
 106 through calendar year 2016 is \$273 per day for each calendar day that a member
 107 attends a meeting described in Subsection [~~(4)(b)(i)(A)~~] (5)(b)(i)(A) or (B).

108 Section 3. Section **49-11-506** is enacted to read:

109 **49-11-506 . Effect of legislator leave on service credit accrual and retirement**
 110 **related contributions.**

111 For any day for which an employee elects to use legislator leave as provided in Section
 112 53G-11-210 or 63A-17-513:

- 113 (1) the employee will continue to accrue service credit;
 114 (2) the participating employer shall continue to pay the employee's retirement related
 115 contributions; and
 116 (3) the employee may not accrue service credit or receive retirement related contributions
 117 for the employee's service as a legislator.

118 Section 4. Section **53G-11-210** is enacted to read:

119 **53G-11-210 . Legislator leave.**

- 120 (1) As used in this section:
- 121 (a) "Authorized legislative day" means the same as that term is defined in Section
 122 63A-17-513.
- 123 (b) "Legislator" means:
- 124 (i) a member of the Utah Senate;
 125 (ii) a member of the Utah House of Representatives; or
 126 (iii) an individual who has been elected as a member described in Subsection (1)(b)(i)
 127 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 128 (c) "Legislator leave" means the leave described in Subsection (2)(a).
- 129 (d) "Teacher" means an individual employed by a school district or charter school who
 130 is required to hold an educator license issued by the state board and who has an

131 assignment to teach in a classroom.

132 (2)(a) An LEA shall develop a leave policy that grants a teacher who is a legislator paid
 133 leave for an authorized legislative day for the number of hours the legislator requests.

134 (b) In a policy described in Subsection (2)(a), the LEA shall:

135 (i) require a legislator who wishes to use legislator leave for an authorized legislative
 136 day that is during an annual general session, to use legislator leave for the total
 137 number of hours that the legislator is absent from the legislator's position during
 138 the annual general session; and

139 (ii) ensure the policy is no more restrictive than the provisions of Section 63A-17-513.

140 (3)(a) Subject to legislative appropriation and Subsection (3)(b), upon request by a
 141 legislator's employer, the legislator's chamber shall reimburse the legislator's
 142 employer for the cost of any legislator leave the employer granted the legislator
 143 during the immediately preceding annual general session.

144 (b) The total amount of reimbursements made under Subsection (3)(a) and Subsection
 145 63A-17-513(4) may not exceed the amount equal to the total savings resulting from
 146 legislators' ineligibility for salary under Section 36-2-3 and retirement related
 147 contributions under Section 49-11-506.

148 (4) If a legislator chooses not to use legislator leave for an authorized legislative day, the
 149 legislator and the LEA may agree to a different arrangement that accommodates the
 150 legislator's legislative service for the authorized legislative day.

151 Section 5. Section **63A-17-513** is amended to read:

152 **63A-17-513 . State employer required to provide legislator leave.**

153 (1) As used in this section:

154 (a) "Authorized legislative day" means:

155 (i) the day on which the Legislature convenes in annual general session, and each day
 156 after that day, until midnight of the 45th day of the annual general session;

157 (ii) a special session day;

158 (iii) a veto override session day;

159 (iv) an interim day designated by the Legislative Management Committee;

160 (v) an authorized legislative training day; or

161 (vi) any other day on which a meeting of a committee, subcommittee, commission,
 162 task force, or other entity is held, if:

163 (A) the committee, subcommittee, commission, task force, or other entity is
 164 created by statute or joint resolution;

- 165 (B) the legislator's attendance at the meeting is approved by the Legislative
166 Management Committee; and
- 167 (C) service and payment for service by the legislator is not in violation of the Utah
168 Constitution, including Article V and Article VI, Sections 6 and 7.
- 169 (b) "Authorized legislative training day" means a day that a Legislative Expenses
170 Oversight Committee designates as an authorized legislative day for training or
171 informational purposes, including:
- 172 (i) chair training;
- 173 (ii) an issue briefing;
- 174 (iii) legislative leadership instruction;
- 175 (iv) legislative process training;
- 176 (v) legislative rules training;
- 177 (vi) new legislator orientation; or
- 178 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
179 legislator's official duties.
- 180 (c) "Legislator" means:
- 181 (i) a member of the Utah Senate;
- 182 (ii) a member of the Utah House of Representatives; or
- 183 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
184 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 185 (d) "Legislator leave" means the leave described in Subsection (2).
- 186 ~~[(d)]~~ (e) "Retaliatory action" means to:
- 187 (i) dismiss the employee;
- 188 (ii) reduce the employee's compensation;
- 189 (iii) fail to increase the employee's compensation by an amount that the employee is
190 otherwise entitled to or was promised;
- 191 (iv) fail to promote the employee if the employee would have otherwise been
192 promoted; or
- 193 (v) threaten to take an action described in Subsections ~~[(1)(d)(i)]~~ (1)(e)(i) through (iv).
- 194 ~~[(e)]~~ (f) "State employer" means any employer in the state executive branch.
- 195 (2) A state employer who employs an individual who is a legislator:
- 196 (a) subject to Subsection (3), shall grant paid leave to the individual on an authorized
197 legislative day for the number of hours requested by the individual;
- 198 (b) may not interfere with, or otherwise restrain the individual from, using the leave

199 described in Subsection (2)(a); and
200 (c) may not take retaliatory action against the individual for using the leave described in
201 Subsection (2)(a).

202 [~~(3) The leave described in Subsection (2) is leave without pay unless the state employer
203 and the individual described in Subsection (2) agree to terms that are more favorable to
204 the individual.]~~

205 (3) If a legislator wishes to use legislator leave for an authorized legislative day that is
206 during an annual general session, the legislator shall use legislator leave for the total
207 number of hours during the annual general session that the legislator is absent from the
208 legislator's position with a state employer.

209 (4)(a) Subject to legislative appropriation and Subsection (4)(b), upon request by a
210 legislator's state employer, the legislator's chamber shall reimburse the legislator's
211 state employer for the cost of any legislator leave the state employer granted the
212 legislator during the immediately preceding annual general session.

213 (b) The total amount of reimbursements made under Subsection (4)(a) and Subsection
214 53G-11-210(3) may not exceed the amount equal to the total savings resulting from
215 legislators' ineligibility for salary under Section 36-2-3 and retirement related
216 contributions under Section 49-11-506.

217 (5) If a legislator chooses not to use legislator leave for an authorized legislative day, the
218 legislator and the legislator's state employer may agree to a different arrangement that
219 accommodates the legislator's legislative service for the authorized legislative day.

220 **Section 6. Effective Date.**

221 This bill takes effect on May 6, 2026.