

1 **UTAH COMMISSION ON UNIFORM STATE LAWS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Brian S. King

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies and updates provisions governing the Utah Commission on Uniform
10 State Laws.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ repeals and reenacts provisions governing the Utah Commission on Uniform State
14 Laws in order to update and clarify language;
- 15 ▶ modifies provisions relating to appointment procedures for uniform law
16 commissioners;
- 17 ▶ provides procedures and requirements for appointment of commissioners and
18 associate commissioners;
- 19 ▶ provides procedures and requirements for filling vacancies in the commission;
- 20 ▶ amends duties of the commission; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **68-4-7**, as last amended by Laws of Utah 1993, Chapter 125

29 **68-4-8**, as last amended by Laws of Utah 1993, Chapter 125

30 **68-4-9**, as last amended by Laws of Utah 2010, Chapter 286

31 REPEALS AND REENACTS:

32 **68-4-5**, as last amended by Laws of Utah 2010, Chapter 286

33 **68-4-6**, as last amended by Laws of Utah 2007, Chapter 91

34

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

36 Section 1. Section **68-4-5** is repealed and reenacted to read:

37 **68-4-5. Creation -- Members -- Terms.**

38 (1) There is established the "Utah Commission on Uniform State Laws," which
39 consists of members of the Utah State Bar who are appointed as commissioners to the National
40 Conference of Commissioners on Uniform State Laws as follows:

41 (a) one commissioner, appointed by the governor with the consent of the Senate, who
42 shall be a member of the Senate at the time of appointment;

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

45 (c) two commissioners, appointed by the governor with the consent of the Senate, who
46 shall be active members of the Utah State Bar;

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

50 (e) any commissioner that has previously served as a member of the commission and
51 has been elected as a life member of the National Conference of Commissioners on Uniform
52 State Laws according to the conference's constitution, bylaws, and rules of procedure; and

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

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

57 (3) A commissioner continues to serve:

- 58 (a) unless the commissioner dies or resigns;
- 59 (b) unless the commissioner ceases to be a member of the Utah State Bar in good
- 60 standing; or
- 61 (c) (i) for a commissioner appointed by the governor and notwithstanding expiration of
- 62 the commissioner's term under Subsection (2), until the governor:
- 63 (A) reappoints the commissioner to a new term; or
- 64 (B) appoints a successor commissioner;
- 65 (ii) for the general counsel, until the general counsel ceases to serve as general counsel
- 66 or appoints an attorney to serve in the general counsel's place;
- 67 (iii) for a commissioner appointed to serve in the place of the general counsel, until the
- 68 general counsel chooses to serve as a commissioner or appoints a successor commissioner; or
- 69 (iv) for an associate commissioner, until the general counsel appoints a successor
- 70 commissioner or elects not to fill the position of associate commissioner.

71 Section 2. Section **68-4-6** is repealed and reenacted to read:

72 **68-4-6. Vacancies.**

- 73 (1) For a commissioner who serves in a governor-appointed position described in
- 74 Subsection 68-4-5(1)(a), (b), or (c):
- 75 (a) the office of a commissioner becomes vacant and the governor, with the consent of
- 76 the Senate, shall immediately appoint a new commissioner upon the commissioner's:
- 77 (i) death;
- 78 (ii) resignation; or
- 79 (iii) failure to be a member of the Utah State Bar in good standing; and
- 80 (b) the governor may, with the consent of the Senate, appoint a new commissioner or,
- 81 as applicable, reappoint the current commissioner, provided that the current commissioner
- 82 meets the requirements for appointment, after any of the following events:
- 83 (i) the commissioner's failure to actively serve as commissioner;
- 84 (ii) the commissioner's refusal to serve as commissioner;
- 85 (iii) expiration of the commissioner's term;

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

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

88 Commissioners on Uniform State Laws.

89 (2) (a) The commissioner who is the Legislature's general counsel shall serve only

90 while acting as the Legislature's general counsel.

91 (b) A commissioner who is serving as an appointee of the Legislature's general counsel

92 shall serve at the will of the general counsel.

93 Section 3. Section **68-4-7** is amended to read:

94 **68-4-7. Meetings -- Officers.**

95 (1) The commissioners shall meet at least once each year and shall organize by the

96 election of one of their number as [~~chairman~~] chair and another as secretary, who shall hold

97 their respective offices for a term of two years and until their successors are elected.

98 (2) The [~~chairman~~] chair and secretary may be reelected for additional terms.

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

100 **68-4-8. Duties of commissioners.**

101 (1) The [~~members of the commission~~] commissioners shall:

102 (a) participate in the National Conference of Commissioners on Uniform State Laws

103 on behalf of the state;

104 [~~(a)~~] (b) examine the subjects upon which uniformity of legislation in the various states

105 of the union is desirable but that are outside the jurisdiction of the Congress of the United

106 States;

107 [~~(b)~~] (c) confer upon these matters with the commissioners appointed by other states

108 for the same purpose;

109 [~~(c)~~] (d) at the direction of the National Conference of Commissioners on Uniform

110 State Laws, serve on national committees that draft uniform and model laws; and

111 [~~(d)~~] (e) devise and recommend other means to accomplish the purposes of this

112 chapter.

113 (2) The commission may request a legislator to sponsor, as an item on the interim study

114 resolution, or as a bill or resolution for introduction, any uniform legislation that the
115 commission determines would be in the best interests of the state to adopt.

116 Section 5. Section **68-4-9** is amended to read:

117 **68-4-9. Expenditures -- Oversight by Office of Legislative Research and General**
118 **Counsel.**

119 (1) A [~~member of the commission~~] commissioner may not receive compensation or
120 benefits for the [~~member's~~] commissioner's service, but may receive per diem and travel
121 expenses in accordance with:

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

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

124 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
125 63A-3-107.

126 (2) The Legislature shall make appropriations to the Office of Legislative Research and
127 General Counsel to pay the necessary expenses of the commissioners and to make appropriate
128 contribution on behalf of this state to the National Conference of Commissioners on Uniform
129 State Laws, including any expenses of a commissioner who has been elected as a life member
130 of the National Conference of Commissioners on Uniform State Laws.

131 (3) The commissioners shall keep a full account of their expenditures in the discharge
132 of their official duties and shall report the account to the Office of Legislative Research and
133 General Counsel.