

1 **SALARY INCREASES FOR GOVERNMENT**

2 **OFFICIALS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Michael R. Styler**

6 AN ACT RELATING TO CITIES AND TOWNS, COUNTIES, AND THE LEGISLATURE;
7 MODIFYING PROVISIONS RELATING TO COMPENSATION OF MUNICIPAL AND
8 COUNTY OFFICERS AND THE LEGISLATURE; PROHIBITING INCREASES IN
9 COMPENSATION FROM TAKING PLACE UNTIL AFTER THE NEXT ELECTION;
10 PROVIDING AN EXCEPTION FOR COST-OF-LIVING INCREASES; MAKING
11 TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **10-3-818**, as last amended by Chapter 10, Laws of Utah 1997

15 **17-16-14**, as last amended by Chapter 227, Laws of Utah 1993

16 **36-2-3**, as last amended by Chapter 20, Laws of Utah 1995

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

18 Section 1. Section **10-3-818** is amended to read:

19 **10-3-818. Salaries in municipalities.**

20 (1) The municipal legislative body may, after a public hearing, establish compensation for
21 the elective and statutory officers of [municipalities shall receive such compensation for their
22 services as the governing body may fix by ordinance] the municipality by adopting ordinances
23 establishing compensation or compensation schedules [enacted after public hearing].

24 (2) (a) Upon its own motion, the [governing] municipal legislative body may review or
25 consider the compensation of any municipal officer [or officers of the municipality] or a salary
26 schedule applicable to any officer [or officers] of the [city for the purpose of determining]
27 municipality to determine whether or not it should be adopted, changed, or amended. [In the event

1 that the governing]

2 (b) If the municipal legislative body decides that the compensation or compensation
3 schedules should be adopted, changed, or amended, [it] the municipal legislative body shall:

4 (i) set a time and place for a public hearing [at which all interested persons shall be given
5 an opportunity to be heard.];

6 (ii) at least seven days before the meeting:

7 [(3) Notice] (A) publish notice of the date, time, place, and purpose of the meeting [shall
8 be published at least seven days prior thereto by publication] at least once in a newspaper of
9 general circulation published in the county within which the municipality is situated [and generally
10 circulated in the municipality. If]; or

11 (B) if there is no [such] newspaper [then notice shall be given by posting this], post notice
12 of the public hearing in three public places in the municipality[-]; and

13 (iii) at the public hearing, give interested persons an opportunity to be heard at the
14 discretion of the chair.

15 [(4)] (3) (a) After the [conclusion of the] public hearing, the [governing] municipal
16 legislative body may enact an ordinance [fixing, changing, or amending] that:

17 (i) fixes or changes the compensation of any elective or appointive officer of the
18 municipality; or [adopting]

19 (ii) establishes a compensation schedule applicable to any officer [or officers].

20 (b) (i) Except as provided in Subsection (3)(b)(ii), an increase in compensation for
21 members of the municipal legislative body may not take effect until after the next regular
22 municipal election.

23 (ii) Subsection (3)(b)(i) does not apply to a cost-of-living increase in compensation, not
24 to exceed an amount equal to the decrease in the purchasing power of the dollar since the last
25 increase, as measured by the Consumer Price Index prepared by the United States Bureau of Labor
26 Statistics.

27 [(5) Any] (4) An ordinance enacted before [Chapter 48, Laws of Utah 1977] January 1,
28 1999, by a municipality [establishing] that establishes a salary or compensation schedule for its
29 elective or appointive officers and any salary fixed [prior to Chapter 48, Laws of Utah 1977, shall
30 remain] by a municipality before January 1, 1999, remains effective until the municipality has
31 enacted an ordinance [pursuant to the provisions of] complying with this [chapter] section.

1 ~~[(6) The]~~ (5) (a) (i) Except as provided in Subsection (5)(a)(ii), the compensation of all
 2 municipal officers shall be paid at least monthly out of the municipal treasury ~~[provided that~~
 3 ~~municipalities having]~~.

4 (ii) A municipality that has 1,000 or fewer population may, by ordinance, provide for the
 5 payment of its statutory officers less frequently. ~~[None of the provisions of this chapter shall be~~
 6 ~~considered as limiting or restricting]~~

7 (b) This section does not limit or restrict the authority ~~[to any]~~ of a municipality that has
 8 adopted or does adopt a charter pursuant to Utah Constitution, Article XI, Section 5, to determine
 9 the salaries of its elective and appointive officers or employees.

10 Section 2. Section **17-16-14** is amended to read:

11 **17-16-14. Salaries of county officers.**

12 ~~[The]~~ (1) Each county legislative body shall:

13 (a) fix the annual salaries of [the] its county officers ~~[of all counties in the state shall be~~
 14 ~~fixed by the respective county legislative bodies, provided no changes shall be made in];~~

15 (b) before changing the existing salaries of any county ~~[officers until the county legislative~~
 16 ~~body in a county desiring to change existing salaries of county officers shall first]~~ officer, hold a
 17 public hearing at which all interested persons ~~[shall be]~~ are given an opportunity to be heard at the
 18 discretion of the chair.

19 (2) (a) Except as provided in Subsection (2)(b), an increase in compensation for members
 20 of the county legislative body may not take effect until after the next regular general election.

21 (b) Subsection (2)(a) does not apply to a cost-of-living increase in compensation, not to
 22 exceed an amount equal to the decrease in the purchasing power of the dollar since the last
 23 increase, as measured by the Consumer Price Index prepared by the United States Bureau of Labor
 24 Statistics.

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

26 **36-2-3. Compensation of members set by Legislature based on recommendations of**
 27 **Legislative Compensation Commission.**

28 (1) (a) The Legislature shall establish the salary of members of the Legislature ~~[shall be~~
 29 ~~set]~~ at an annual general session based upon recommendations of the Legislative Compensation
 30 Commission.

31 (b) The Legislature may accept, reject, or lower the salary recommendation, but may not

1 increase the recommendation.

2 (2) (a) Except as provided in Subsection (2)(b), a salary increase approved by the
3 Legislature may not take effect until after the next regular general election.

4 (b) Subsection (2)(a) does not apply to a cost-of-living increase in salary, not to exceed
5 an amount equal to the decrease in the purchasing power of the dollar since the last increase, as
6 measured by the Consumer Price Index prepared by the United States Bureau of Labor Statistics.

7 Section 4. **Effective date.**

8 This act takes effect on January 1, 1999.

Legislative Review Note
as of 11-20-97 10:35 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Government Operations Interim Committee recommended this bill.