

1                   **AMENDMENTS TO TRANSPORTATION PROVISIONS**

2                                   2010 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Jerry W. Stevenson**

5                           House Sponsor: Bradley G. Last

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies provisions relating to Public Transit Districts.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ provides definitions;
- 13           ▶ provides that a public transit district may:
  - 14           • establish, finance, participate as a limited partner or member in a development
  - 15 with limited liabilities, construct, improve, maintain, or operate a
  - 16 transit-oriented development or transit-supportive development; and
  - 17           • assist in a transit-oriented development or transit-supportive development in
  - 18 connection with the economic development of areas in proximity to a
  - 19 right-of-way, rail line, station, platform, switchyard, terminal, or parking lot;
  - 20           ▶ provides that a public transit district may only assist in the economic development
  - 21 of certain areas in certain ways and on no more than five transit-oriented
  - 22 developments or transit-supportive developments;
  - 23           ▶ provides that a public transit district may not invest in a transit-oriented
  - 24 development or a transit-supportive development as a limited partner or other
  - 25 limited liability unless certain circumstances apply;
  - 26           ▶ provides that a current board member of a public transit district may not have any
  - 27 interest in certain transactions engaged in by the public transit district;
  - 28           ▶ increases the number of members on the board of trustees of a public transit district
  - 29 with more than 200,000 people residing within the boundaries of the public transit

- 30 district and amends apportionment provisions relating to the board of trustees;
- 31       ▶ authorizes a board of trustees to appoint a chief executive officer in place of or in
- 32 addition to a general manager and allows the board of trustees to allocate duties
- 33 between the general manager and the chief executive officer;
- 34       ▶ repeals certain public notice requirements relating to a public transit district
- 35 bidding certain construction projects;
- 36       ▶ amends provisions relating to criminal background checks for public transit district
- 37 employees;
- 38       ▶ exempts a public transit pass issued by a public transit district from the
- 39 requirement that a document may only be issued to a United States Citizen, a
- 40 national, or a legal permanent resident alien; and
- 41       ▶ makes technical changes.

42 **Monies Appropriated in this Bill:**

43       None

44 **Other Special Clauses:**

45       None

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48       **17B-2a-802**, as last amended by Laws of Utah 2009, Chapter 364
- 49       **17B-2a-804**, as last amended by Laws of Utah 2008, Chapter 360
- 50       **17B-2a-807**, as last amended by Laws of Utah 2009, Chapter 364
- 51       **17B-2a-808**, as last amended by Laws of Utah 2008, Chapter 39
- 52       **17B-2a-810**, as last amended by Laws of Utah 2008, Chapter 39
- 53       **17B-2a-811**, as enacted by Laws of Utah 2007, Chapter 329
- 54       **17B-2a-818**, as last amended by Laws of Utah 2009, Chapter 13
- 55       **17B-2a-825**, as enacted by Laws of Utah 2009, Chapter 364
- 56       **63G-11-102**, as last amended by Laws of Utah 2009, Chapter 315

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

59 Section 1. Section **17B-2a-802** is amended to read:

60 **17B-2a-802. Definitions.**

61 As used in this part:

62 (1) "Appointing entity" means the person, county, unincorporated area of a county, or  
63 municipality appointing a member to a public transit district board of trustees.

64 (2) (a) "Chief executive officer" means a person appointed by the board of trustees to  
65 serve as chief executive officer.

66 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities  
67 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and  
68 responsibilities assigned to the general manager but prescribed by the board of trustees to be  
69 fulfilled by the chief executive officer.

70 [~~2~~] (3) "Department" means the Department of Transportation created in Section  
71 72-1-201.

72 (4) (a) "General manager" means a person appointed by the board of trustees to serve  
73 as general manager.

74 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in  
75 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees.

76 [~~3~~] (5) (a) "Locally elected public official" means a person who holds an elected  
77 position with a county or municipality.

78 (b) "Locally elected public official" does not include a person who holds an elected  
79 position if the elected position is not with a county or municipality.

80 [~~4~~] (6) "Multicounty district" means a public transit district located in more than one  
81 county.

82 [~~5~~] (7) "Operator" means a public entity or other person engaged in the  
83 transportation of passengers for hire.

84 [~~6~~] (8) "Public transit" means the transportation of passengers only and their  
85 incidental baggage by means other than:

- 86 (a) chartered bus;
- 87 (b) sightseeing bus;
- 88 (c) taxi; or
- 89 (d) other vehicle not on an individual passenger fare paying basis.

90 ~~[(7)]~~ (9) "Transit facility" means a transit vehicle, transit station, depot, passenger  
 91 loading or unloading zone, parking lot, or other facility:

- 92 (a) leased by or operated by or on behalf of a public transit district; and
- 93 (b) related to the public transit services provided by the district, including:
  - 94 (i) railway or other right-of-way;
  - 95 (ii) railway line; and
  - 96 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
 97 a transit vehicle.

98 (10) "Transit-oriented development" means a mixed-use residential or commercial  
 99 area that is designed to maximize access to public transit.

100 ~~[(8)]~~ (11) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle  
 101 operated as public transportation by a public transit district.

102 Section 2. Section **17B-2a-804** is amended to read:

103 **17B-2a-804. Additional public transit district powers.**

104 (1) In addition to the powers conferred on a public transit district under Section  
 105 17B-1-103, a public transit district may:

- 106 (a) provide a public transit system for the transportation of passengers and their  
 107 incidental baggage;
- 108 (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,  
 109 levy and collect property taxes only for the purpose of paying:
  - 110 (i) principal and interest of bonded indebtedness of the public transit district; or
  - 111 (ii) a final judgment against the public transit district if:
    - 112 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
 113 indemnity policy; and

- 114 (B) the district is required by a final court order to levy a tax to pay the judgment;
- 115 (c) insure against:
- 116 (i) loss of revenues from damage to or destruction of some or all of a public transit
- 117 system from any cause;
- 118 (ii) public liability;
- 119 (iii) property damage; or
- 120 (iv) any other type of event, act, or omission;
- 121 (d) acquire, contract for, lease, construct, own, operate, control, or use:
- 122 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
- 123 parking lot, or any other facility necessary or convenient for public transit service; or
- 124 (ii) any structure necessary for access by persons and vehicles;
- 125 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
- 126 equipment, service, employee, or management staff of an operator; and
- 127 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
- 128 public interest;
- 129 (f) operate feeder bus lines and other feeder services as necessary;
- 130 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 131 equipment trust certificates or otherwise, from the United States, or from a department,
- 132 instrumentality, or agency of the United States, to:
- 133 (i) establish, finance, participate as a limited partner or member in a development with
- 134 limited liabilities in accordance with Subsection (1)(l), construct, improve, maintain, or
- 135 operate transit facilities [~~and~~], equipment, and transit-oriented developments or
- 136 transit-supportive developments; or
- 137 (ii) study and plan transit facilities in accordance with any legislation passed by
- 138 Congress;
- 139 (h) cooperate with and enter into an agreement with the state or an agency of the state
- 140 to establish transit facilities and equipment or to study or plan transit facilities;
- 141 (i) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,

142 to carry out the purposes of the district;

143 (j) from bond proceeds or any other available funds, reimburse the state or an agency  
144 of the state for an advance or contribution from the state or state agency; [~~and~~]

145 (k) do anything necessary to avail itself of any aid, assistance, or cooperation available  
146 under federal law, including complying with labor standards and making arrangements for  
147 employees required by the United States or a department, instrumentality, or agency of the  
148 United States[-]; and

149 (l) subject to the restriction in Subsection (2), assist in a transit-oriented development  
150 or a transit-supportive development in connection with the economic development of areas in  
151 proximity to a right-of-way, rail line, station, platform, switchyard, terminal, or parking lot,  
152 by:

153 (i) investing in a project as a limited partner or a member, with limited liabilities; or

154 (ii) subordinating an ownership interest in real property owned by the public transit  
155 district.

156 (2) (a) A public transit district may only assist in the economic development of areas  
157 under Subsection (1)(l):

158 (i) in the manner described in Subsection (1)(l)(i) or (ii); and

159 (ii) on no more than five transit-oriented developments or transit-supportive  
160 developments selected by the board of trustees.

161 (b) A public transit district may not invest in a transit-oriented development or  
162 transit-supportive development as a limited partner or other limited liability entity under the  
163 provisions of Subsection (1)(l)(i), unless the partners, developer, or other investor in the entity,  
164 makes an equity contribution equal to no less than 25% of the appraised value of the property  
165 to be contributed by the public transit district.

166 (c) A current board member of a public transit district to which the board member is  
167 appointed may not have any interest in the transactions engaged in by the public transit district  
168 pursuant to Subsection (1)(l), except as may be required by the board member's fiduciary duty  
169 as a board member.

170           ~~[(2)]~~ (3) A public transit district may be funded from any combination of federal,  
171 state, or local funds.

172           ~~[(3)]~~ (4) A public transit district may not acquire property by eminent domain.

173           Section 3. Section **17B-2a-807** is amended to read:

174           **17B-2a-807. Public transit district board of trustees -- Appointment --**  
175 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

176           (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit  
177 district, the board of trustees shall consist of members appointed by the legislative bodies of  
178 each municipality, county, or unincorporated area within any county on the basis of one  
179 member for each full unit of regularly scheduled passenger routes proposed to be served by the  
180 district in each municipality or unincorporated area within any county in the following  
181 calendar year.

182           (b) For purposes of determining membership under Subsection (1)(a), the number of  
183 service miles comprising a unit shall be determined jointly by the legislative bodies of the  
184 municipalities or counties comprising the district.

185           (c) The board of trustees of a public transit district under this Subsection (1) may  
186 include a member that is a commissioner on the Transportation Commission created in  
187 Section 72-1-301 and appointed as provided in Subsection (11), who shall serve as a  
188 nonvoting, ex officio member.

189           (d) Members appointed under this Subsection (1) shall be appointed and added to the  
190 board or omitted from the board at the time scheduled routes are changed, or as municipalities,  
191 counties, or unincorporated areas of counties annex to or withdraw from the district using the  
192 same appointment procedures.

193           (e) For purposes of appointing members under this Subsection (1), municipalities,  
194 counties, and unincorporated areas of counties in which regularly scheduled passenger routes  
195 proposed to be served by the district in the following calendar year is less than a full unit, as  
196 defined in Subsection (1)(b), may combine with any other similarly situated municipality or  
197 unincorporated area to form a whole unit and may appoint one member for each whole unit

198 formed.

199 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the  
200 boundaries of a public transit district, the board of trustees shall consist of:

201 (i) ~~[10]~~ 11 members:

202 (A) appointed as described under this Subsection (2); or

203 (B) retained in accordance with Section 17B-2a-807.5;

204 (ii) three members appointed as described in Subsection (4); and

205 (iii) one voting member appointed as provided in Subsection (11).

206 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting  
207 members to each county within the district using an average of:

208 (i) the proportion of population included in the district and residing within each  
209 county, rounded to the nearest ~~[1/10]~~ 1/11 of the total transit district population; and

210 (ii) the cumulative proportion of transit sales and use tax collected from areas included  
211 in the district and within each county, rounded to the nearest ~~[1/10]~~ 1/11 of the total  
212 cumulative transit sales and use tax collected for the transit district.

213 (c) The board shall join an entire or partial county not apportioned a voting member  
214 under this Subsection (2) with an adjacent county for representation. The combined  
215 apportionment basis included in the district of both counties shall be used for the  
216 apportionment.

217 (d) (i) If rounding to the nearest ~~[1/10]~~ 1/11 of the total public transit district  
218 apportionment basis under Subsection (2)(b) results in an apportionment of more than ~~[10]~~ 11  
219 members, the county or combination of counties with the smallest additional fraction of a  
220 whole member proportion shall have one less member apportioned to it.

221 (ii) If rounding to the nearest ~~[1/10]~~ 1/11 of the total public transit district  
222 apportionment basis under Subsection (2)(b) results in an apportionment of less than ~~[10]~~ 11  
223 members, the county or combination of counties with the largest additional fraction of a whole  
224 member proportion shall have one more member apportioned to it.

225 (e) If the population in the unincorporated area of a county is at least ~~[1/10 of the~~

226 ~~district's population]~~ 140,000, the county executive, with the advice and consent of the county  
227 legislative body, shall appoint one voting member to represent ~~[each 1/10 of]~~ the ~~[district's]~~  
228 population within a county's unincorporated area ~~[population]~~.

229 (f) If a municipality's population is at least 160,000, the chief municipal executive,  
230 with the advice and consent of the municipal legislative body, shall appoint one voting  
231 member to represent the population within a municipality.

232 (g) (i) The number of voting members appointed from a county and municipalities  
233 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total  
234 voting member apportionment under this Subsection (2).

235 (ii) Notwithstanding Subsections (2)(1) and (10), no more than one voting member  
236 appointed by an appointing entity may be a locally elected public official.

237 (h) If the entire county is within the district, the remaining voting members for the  
238 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or  
239 the municipalities within the county.

240 (i) If the entire county is not within the district, and the county is not joined with  
241 another county under Subsection (2)(c), the remaining voting members for the county shall  
242 represent a municipality or combination of municipalities.

243 (j) (i) Except as provided under Subsections (2)(e) and (f), voting members  
244 representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities  
245 within the county shall be designated and appointed by a simple majority of the chief  
246 executives of the municipalities within the county or combinations of counties if Subsection  
247 (2)(c) applies.

248 (ii) The appointments shall be made by joint written agreement of the appointing  
249 municipalities, with the consent and approval of the county legislative body of the county that  
250 has at least ~~[1/10]~~ 1/11 of the district's apportionment basis.

251 (k) Voting members representing a municipality or combination of municipalities  
252 shall be designated and appointed by the chief executive officer of the municipality or simple  
253 majority of chief executive officers of municipalities with the consent of the legislative body

254 of the municipality or municipalities.

255 (l) The appointment of voting members shall be made without regard to partisan  
256 political affiliation from among citizens in the community.

257 (m) Each voting member shall be a bona fide resident of the municipality, county, or  
258 unincorporated area or areas which the voting member is to represent for at least six months  
259 before the date of appointment, and must continue in that residency to remain qualified to  
260 serve as a voting member.

261 (n) (i) All population figures used under this section shall be derived from the most  
262 recent official census or census estimate of the United States Bureau of the Census.

263 (ii) If population estimates are not available from the United States Bureau of Census,  
264 population figures shall be derived from the estimate from the Utah Population Estimates  
265 Committee.

266 (iii) All transit sales and use tax totals shall be obtained from the State Tax  
267 Commission.

268 (o) (i) The board shall be apportioned as provided under this section in conjunction  
269 with the decennial United States Census Bureau report every 10 years.

270 (ii) Within 120 days following the receipt of the population estimates under this  
271 Subsection (2)(o), the district shall reapportion representation on the board of trustees in  
272 accordance with this section.

273 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed  
274 apportionment.

275 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution  
276 to each of its constituent entities as defined under Section 17B-1-701.

277 (v) The appointing entities gaining a new board member shall appoint a new member  
278 within 30 days following receipt of the resolution.

279 (vi) The appointing entities losing a board member shall inform the board of which  
280 member currently serving on the board will step down:

281 (A) upon appointment of a new member under Subsection (2)(o)(v); or

282 (B) in accordance with Section 17B-2a-807.5.

283 (3) Upon the completion of an annexation to a public transit district under Chapter 1,  
284 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the  
285 same basis as if the area had been included in the district as originally organized.

286 (4) In addition to the voting members appointed in accordance with Subsection (2),  
287 the board shall consist of three voting members appointed as follows:

288 (a) one member appointed by the speaker of the House of Representatives;

289 (b) one member appointed by the president of the Senate; and

290 (c) one member appointed by the governor.

291 (5) (a) Except as provided in Section 17B-2a-807.5, the terms of office of the voting  
292 members of the board shall be four years or until a successor is appointed, qualified, seated,  
293 and has taken the oath of office.

294 (b) (i) A voting member may not be appointed for more than three successive full  
295 terms regardless of the appointing entity that appoints the voting member.

296 (ii) A person:

297 (A) may serve no more than 12 years on a public transit district board of trustees  
298 described in Subsection (2)(a) regardless of the appointing entity that appoints the member;  
299 and

300 (B) that has served 12 years on a public transit district board of trustees described in  
301 Subsection (2)(a) is ineligible for reappointment to a public transit board of trustees described  
302 in Subsection (2)(a).

303 (6) (a) Vacancies for voting members shall be filled by the official appointing the  
304 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy  
305 within 90 days.

306 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90  
307 days, the board of trustees of the authority shall fill the vacancy.

308 (c) If the appointing official under Subsection (2) does not fill the vacancy within 90  
309 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

310 (7) (a) Each voting member may cast one vote on all questions, orders, resolutions,  
311 and ordinances coming before the board of trustees.

312 (b) A majority of all voting members of the board of trustees are a quorum for the  
313 transaction of business.

314 (c) The affirmative vote of a majority of all voting members present at any meeting at  
315 which a quorum was initially present shall be necessary and, except as otherwise provided, is  
316 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

317 (8) Each public transit district shall pay to each voting member:

318 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed  
319 \$200 in any calendar month to any voting member; and

320 (b) reasonable mileage and expenses necessarily incurred to attend board or committee  
321 meetings.

322 (9) (a) Members of the initial board of trustees shall convene at the time and place  
323 fixed by the chief executive officer of the entity initiating the proceedings.

324 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and  
325 secretary.

326 (c) The members elected under Subsection (9)(b) shall serve for a period of two years  
327 or until their successors shall be elected and qualified.

328 (d) On or after January 1, 2011, a locally elected public official is not eligible to serve  
329 as the chair, vice chair, or secretary of the board of trustees.

330 (10) Except as otherwise authorized under Subsection (2)(g) and Section  
331 17B-2a-807.5, at the time of a voting member's appointment or during a voting member's  
332 tenure in office, a voting member may not hold any employment, except as an independent  
333 contractor or locally elected public official, with a county or municipality within the district.

334 (11) The Transportation Commission created in Section 72-1-301:

335 (a) for a public transit district serving a population of 200,000 people or fewer, may  
336 appoint a commissioner of the Transportation Commission to serve on the board of trustees as  
337 a nonvoting, ex officio member; and

338 (b) for a public transit district serving a population of more than 200,000 people, shall  
339 appoint a commissioner of the Transportation Commission to serve on the board of trustees as  
340 a voting member.

341 (12) (a) (i) Each member of the board of trustees of a public transit district is subject  
342 to recall at any time by the legislative body of the county or municipality from which the  
343 member is appointed.

344 (ii) Each recall of a board of trustees member shall be made in the same manner as the  
345 original appointment.

346 (iii) The legislative body recalling a board of trustees member shall provide written  
347 notice to the member being recalled.

348 (b) Upon providing written notice to the board of trustees, a member of the board may  
349 resign from the board of trustees.

350 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or  
351 resigns under this Subsection (12), the vacancy shall be filled as provided in Subsection (6).

352 Section 4. Section **17B-2a-808** is amended to read:

353 **17B-2a-808. Public transit district board of trustees powers and duties --**

354 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

355 (1) The powers and duties of a board of trustees of a public transit district stated in  
356 this section are in addition to the powers and duties stated in Section 17B-1-301.

357 (2) The board of trustees of each public transit district shall:

358 (a) appoint and fix the salary of a general manager, a chief executive officer, or both,  
359 as provided in Section 17B-2a-811;

360 (b) determine the transit facilities that the district should acquire or construct;

361 (c) supervise and regulate each transit facility that the district owns and operates,  
362 including:

363 (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares,  
364 rentals, and charges; and

365 (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or

366 in connection with a transit facility that the district owns or controls;

367 (d) control the investment of all funds assigned to the district for investment, including

368 funds:

369 (i) held as part of a district's retirement system; and

370 (ii) invested in accordance with the participating employees' designation or direction

371 pursuant to an employee deferred compensation plan established and operated in compliance

372 with Section 457 of the Internal Revenue Code;

373 (e) invest all funds according to the procedures and requirements of Title 51, Chapter

374 7, State Money Management Act;

375 (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's

376 services from the interest earnings of the investment fund for which the custodian is

377 appointed;

378 (g) (i) cause an annual audit of all district books and accounts to be made by an

379 independent certified public accountant;

380 (ii) as soon as practicable after the close of each fiscal year, submit to the chief

381 administrative officer and legislative body of each county and municipality with territory

382 within the district a financial report showing:

383 (A) the result of district operations during the preceding fiscal year; and

384 (B) the district's financial status on the final day of the fiscal year; and

385 (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon

386 request in a quantity that the board considers appropriate;

387 (h) report at least annually to the Transportation Commission created in Section

388 72-1-301 the district's short-term and long-range public transit plans, including the transit

389 portions of applicable regional transportation plans adopted by a metropolitan planning

390 organization established under 23 U.S.C. Sec. 134;

391 (i) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits

392 that the board of trustees determines to be the most critical to the success of the organization;

393 and

394 (j) hear audit reports for audits conducted in accordance with Subsection (2)(i).  
395 (3) A board of trustees of a public transit district may:  
396 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that  
397 are:  
398 (i) not repugnant to the United States Constitution, the Utah Constitution, or the  
399 provisions of this part; and  
400 (ii) necessary for:  
401 (A) the government and management of the affairs of the district;  
402 (B) the execution of district powers; and  
403 (C) carrying into effect the provisions of this part;  
404 (b) provide by resolution, under terms and conditions the board considers fit, for the  
405 payment of demands against the district without prior specific approval by the board, if the  
406 payment is:  
407 (i) for a purpose for which the expenditure has been previously approved by the board;  
408 (ii) in an amount no greater than the amount authorized; and  
409 (iii) approved by the general manager or other officer or deputy as the board  
410 prescribes;  
411 (c) (i) hold public hearings and subpoena witnesses; and  
412 (ii) appoint district officers to conduct a hearing and require the officers to make  
413 findings and conclusions and report them to the board; and  
414 (d) appoint a custodian for the funds and securities under its control, subject to  
415 Subsection (2)(f).  
416 (4) A member of the board of trustees of a public transit district or a hearing officer  
417 designated by the board may administer oaths and affirmations in a district investigation or  
418 proceeding.  
419 (5) (a) The vote of the board of trustees on each ordinance shall be by roll call vote  
420 with each affirmative and negative vote recorded.  
421 (b) (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or

422 order by voice vote.

423 (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if  
424 a member of the board so demands.

425 (c) (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public  
426 transit district may not adopt an ordinance unless it is:

427 (A) introduced at least a day before the board of trustees adopts it; or

428 (B) mailed by registered mail, postage prepaid, to each member of the board of  
429 trustees at least five days before the day upon which the ordinance is presented for adoption.

430 (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous  
431 vote of all board members present at a meeting at which at least 3/4 of all board members are  
432 present.

433 (d) Each ordinance adopted by a public transit district's board of trustees shall take  
434 effect upon adoption, unless the ordinance provides otherwise.

435 Section 5. Section **17B-2a-810** is amended to read:

436 **17B-2a-810. Officers of a public transit district.**

437 (1) (a) The officers of a public transit district shall consist of:

438 (i) the members of the board of trustees;

439 (ii) a [~~president~~] chair and vice [~~president~~] chair, appointed by the board of trustees,  
440 subject to Subsection (1)[~~(b)~~](c);

441 (iii) a secretary, appointed by the board of trustees;

442 (iv) a general manager, appointed by the board of trustees as provided in Section  
443 17B-2a-811[;], whose duties may be allocated by the board of trustees, at the board of trustees'  
444 discretion, to a chief executive officer, or both;

445 (v) a chief executive officer appointed by the board of trustees, as provided in Section  
446 17B-2a-811;

447 [~~(v)~~] (vi) a general counsel, appointed by the board of trustees, subject to Subsection  
448 (1)[~~(e)~~](d);

449 [~~(vi)~~] (vii) a treasurer, appointed as provided in Section 17B-1-633;

450            [~~(vii)~~] (viii) a comptroller, appointed by the board of trustees, subject to Subsection  
451 (1)[~~(d)~~](e);

452            [~~(viii)~~] (ix) an internal auditor, appointed by the board of trustees, subject to  
453 Subsection (1)[~~(e)~~](f); and

454            [~~(ix)~~] (x) other officers, assistants, and deputies that the board of trustees considers  
455 necessary.

456            (b) The board of trustees may, at its discretion, appoint a president, who shall also be  
457 considered an officer of a public transit district.

458            [~~(b)~~] (c) The district [~~president~~] chair and vice [~~president~~] chair shall be members of  
459 the board of trustees.

460            [~~(c)~~] (d) The person appointed as general counsel shall:

461            (i) be admitted to practice law in the state; and

462            (ii) have been actively engaged in the practice of law for at least seven years next  
463 preceding the appointment.

464            [~~(d)~~] (e) The person appointed as comptroller shall have been actively engaged in the  
465 practice of accounting for at least seven years next preceding the appointment.

466            [~~(e)~~] (f) The person appointed as internal auditor shall be a licensed certified internal  
467 auditor or certified public accountant with at least five years experience in the auditing or  
468 public accounting profession, or the equivalent, prior to appointment.

469            (2) (a) The district's general manager or chief executive officer, as the board  
470 prescribes, shall appoint all officers and employees not specified in Subsection (1).

471            (b) Each officer and employee appointed by the district's general manager or chief  
472 executive officer serves at the pleasure of the appointing general manager or chief executive  
473 officer.

474            (3) The board of trustees shall by ordinance or resolution fix the compensation of all  
475 district officers and employees, except as otherwise provided in this part.

476            (4) (a) Each officer appointed by the board of trustees or by the district's general  
477 manager or chief executive officer shall take the oath of office specified in Utah Constitution

478 Article IV, Section 10.

479 (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district  
480 secretary no later than 15 days after the commencement of the officer's term of office.

481 Section 6. Section **17B-2a-811** is amended to read:

482 **17B-2a-811. General manager or chief executive officer of a public transit**  
483 **district.**

484 (1) (a) The board of trustees of a public transit district shall appoint a person as a  
485 general manager.

486 (b) The board of trustees of a public transit district may, at its discretion, appoint a  
487 person as a chief executive officer.

488 (c) The board of trustees of a public transit district shall allocate the responsibilities  
489 defined in Subsection (2) between the general manager and the chief executive officer, if the  
490 board of trustees appoints a chief executive officer.

491 (d) The chief executive officer shall have the same rights allocated to the general  
492 manager under Subsections (3) and (4).

493 ~~[(b)]~~ (e) The appointment of a general manager, chief executive officer, or both, shall  
494 be by the affirmative vote of a majority of all members of the board of trustees.

495 ~~[(c)]~~ (f) The board's appointment of a person as general manager, chief executive  
496 officer, or both, shall be based on the person's qualifications, with special reference to the  
497 person's actual experience in or knowledge of accepted practices with respect to the duties of  
498 the office.

499 ~~[(d)]~~ (g) A person appointed as general manager or chief executive officer of a public  
500 transit district is not required to be a resident of the state at the time of appointment.

501 (2) ~~[Each]~~ A general manager or chief executive officer of a public transit district shall  
502 have the following responsibilities as allocated by the board of trustees:

503 (a) be a full-time officer and devote full time to the district's business;

504 (b) ensure that all district ordinances are enforced;

505 (c) prepare and submit to the board of trustees, as soon as practical but not less than

506 45 days after the end of each fiscal year, a complete report on the district's finances and  
507 administrative activities for the preceding year;

508 (d) keep the board of trustees advised as to the district's needs;

509 (e) prepare or cause to be prepared all plans and specifications for the construction of  
510 district works;

511 (f) cause to be installed and maintained a system of auditing and accounting that  
512 completely shows the district's financial condition at all times; and

513 (g) attend meetings of the board of trustees.

514 (3) A general manager of a public transit district:

515 (a) serves at the pleasure of the board of trustees;

516 (b) holds office for an indefinite term;

517 (c) may be removed by the board of trustees upon the adoption of a resolution by the  
518 affirmative vote of a majority of all members of the board, subject to Subsection (5);

519 (d) has full charge of:

520 (i) the acquisition, construction, maintenance, and operation of district facilities; and

521 (ii) the administration of the district's business affairs;

522 (e) is entitled to participate in the deliberations of the board of trustees as to any  
523 matter before the board; and

524 (f) may not vote at a meeting of the board of trustees.

525 (4) The board of trustees may not reduce the general manager's salary below the  
526 amount fixed at the time of original appointment unless:

527 (a) the board adopts a resolution by a vote of a majority of all members; and

528 (b) if the general manager demands in writing, the board gives the general manager the  
529 opportunity to be publicly heard at a meeting of the board before the final vote on the  
530 resolution reducing the general manager's salary.

531 (5) (a) Before adopting a resolution providing for a general manager's removal as  
532 provided in Subsection (3)(c), the board shall, if the manager makes a written demand:

533 (i) give the general manager a written statement of the reasons alleged for the general

534 manager's removal; and

535 (ii) allow the general manager to be publicly heard at a meeting of the board of  
536 trustees.

537 (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district  
538 may suspend a general manager from office pending and during a hearing under Subsection  
539 (5)(a)(ii).

540 (6) The action of a board of trustees suspending or removing a general manager or  
541 reducing the general manager's salary is final.

542 Section 7. Section **17B-2a-818** is amended to read:

543 **17B-2a-818. Requirements applicable to public transit district contracts.**

544 [~~(1) If the expenditure required to construct district facilities or works exceeds:]~~

545 [~~(a) \$25,000, the construction shall be let as provided in Title 63G, Chapter 6, Utah  
546 Procurement Code; and]~~

547 (1) A public transit district shall comply with the applicable provisions of Title 63G,  
548 Chapter 6, Utah Procurement Code.

549 [~~(b)~~] (2) If construction of a district facility or work exceeds \$750,000, the  
550 construction shall be let as provided in:

551 [~~(i)~~] (a) Title 63G, Chapter 6, Utah Procurement Code; and

552 [~~(ii)~~] (b) Section 17B-2a-818.5.

553 [~~(2)(a) The board of trustees of a public transit district shall advertise each bid or  
554 proposal through public notice as the board determines:]~~

555 [~~(b) A notice under Subsection (2)(a) may:]~~

556 [~~(i) include publication in:]~~

557 [~~(A) a newspaper of general circulation in the district;]~~

558 [~~(B) a trade journal; or]~~

559 [~~(C) other method determined by the board; and]~~

560 [~~(ii) be made at least once, not less than 10 days before the expiration of the period  
561 within which bids or proposals are received:]~~

562 ~~[(3) (a) The board of trustees may, in its discretion:]~~  
 563 ~~[(i) reject any or all bids or proposals; and]~~  
 564 ~~[(ii) readvertise or give notice again.]~~  
 565 ~~[(b) If, after rejecting bids or proposals, the board of trustees determines and declares~~  
 566 ~~by a two-thirds vote of all members present that in the board's opinion the supplies,~~  
 567 ~~equipment, and materials may be purchased at a lower price in the open market, the board may~~  
 568 ~~purchase the supplies, equipment, and materials in the open market, notwithstanding any~~  
 569 ~~provisions requiring contracts, bids, proposals, advertisement, or notice.]~~

570 ~~[(4) The board of trustees of a public transit district may let a contract without~~  
 571 ~~advertising for or inviting bids if:]~~

572 ~~[(a) the board finds, upon a two-thirds vote of all members present, that a repair,~~  
 573 ~~alteration, or other work or the purchase of materials, supplies, equipment, or other property is~~  
 574 ~~of urgent necessity; or]~~

575 ~~[(b) the district's general manager certifies by affidavit that there is only one source for~~  
 576 ~~the required supplies, equipment, materials, or construction items.]~~

577 ~~[(5) If a public transit district retains or withholds any payment on a contract with a~~  
 578 ~~private contractor to construct facilities under this section, the board shall retain or withhold~~  
 579 ~~and release the payment as provided in Section 13-8-5.]~~

580 Section 8. Section **17B-2a-825** is amended to read:

581 **17B-2a-825. Criminal background checks authorized -- Employment eligibility.**

582 (1) A public transit district may require an individual described in Subsection (2) to:

583 (a) submit a fingerprint card in a form acceptable to the public transit district; and

584 (b) consent to a fingerprint background check by:

585 (i) the Utah Bureau of Criminal Identification; and

586 (ii) the Federal Bureau of Investigation.

587 (2) A person shall comply with the requirements of Subsection (1) if the person:

588 (a) is applying for or continuing employment with the public transit district:

589 (i) working in a safety-sensitive position or other position that may affect:

590 (A) the safety or well-being of patrons of the public transit district; or  
591 (B) the safety or security of the transit buildings, stations, platforms, railways, bus  
592 systems, and transit vehicles;  
593 (ii) handling personally identifiable information, financial information, or other  
594 sensitive information including personal health information;  
595 (iii) working in security-sensitive areas; or  
596 (iv) handling security-sensitive information, including information system  
597 technologies; or  
598 (b) is seeking access to designated security-sensitive areas.  
599 (3) A public transit district may use the information obtained in accordance with this  
600 section only for one or more of the following purposes:  
601 (a) to determine whether or not an individual is convicted of:  
602 (i) a felony under federal or state law within the last 10 years;  
603 (ii) a violation of a federal law, state law, or local ordinance concerning the sale,  
604 manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic  
605 beverage;  
606 (iii) a crime involving moral turpitude; or  
607 (iv) two or more convictions for a violation of driving under the influence of alcohol,  
608 any drug, or the combined influence of alcohol and any drug;  
609 (b) to determine whether or not an individual has accurately disclosed the person's  
610 criminal history on an application or document filed with the public transit district;  
611 (c) to approve or deny an application for employment with the public transit district;  
612 or  
613 (d) to take disciplinary action against an employee of the public transit district,  
614 including possible termination of employment.  
615 (4) A person is not eligible for employment with a public transit district in a capacity  
616 described in Subsection (2) if the person has been convicted of any of the offenses described  
617 in Subsection (3).

618 Section 9. Section **63G-11-102** is amended to read:

619 **63G-11-102. Creation of identity documents -- Issuance to citizens, nationals,**  
620 **and legal permanent resident aliens -- Exceptions.**

621 (1) The following entities may create, publish, or otherwise manufacture an  
622 identification document, identification card, or identification certificate and possess an  
623 engraved plate or other device for the printing of an identification document:

624 (a) a federal, state, or local government agency for employee identification, which is  
625 designed to identify the bearer as an employee;

626 (b) a federal, state, or local government agency for purposes authorized or required by  
627 law or a legitimate purpose consistent with the duties of the agency, including such documents  
628 as voter identification cards, identification cards, passports, birth certificates, and Social  
629 Security cards; and

630 (c) a public school or state or private educational institution to identify the bearer as  
631 an administrator, faculty member, student, or employee.

632 (2) The name of the issuing entity shall be clearly printed upon the face of the  
633 identification document.

634 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an  
635 entity providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall  
636 issue the document, card, or certificate only to:

637 (a) a United States citizen;

638 (b) a national; or

639 (c) a legal permanent resident alien.

640 (4) (a) Subsection (3) does not apply to an applicant for an identification document  
641 who presents, in person, valid documentary evidence of the applicant's:

642 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
643 States;

644 (ii) pending or approved application for asylum in the United States;

645 (iii) admission into the United States as a refugee;

646 (iv) pending or approved application for temporary protected status in the United  
647 States;

648 (v) approved deferred action status; or

649 (vi) pending application for adjustment of status to legal permanent resident or  
650 conditional resident.

651 (b) (i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
652 identification document to an applicant who satisfies the requirements of Subsection (4)(a).

653 (ii) Except as otherwise provided by federal law, the document is valid only:

654 (A) during the period of time of the individual's authorized stay in the United States;

655 or

656 (B) for one year from the date of issuance if there is no definite end to the individual's  
657 period of authorized stay.

658 (iii) An entity issuing an identification document under this Subsection (4) shall  
659 clearly indicate on the document:

660 (A) that it is temporary; and

661 (B) its expiration date.

662 (c) An individual may renew a document issued under this Subsection (4) only upon  
663 presentation of valid documentary evidence that the status by which the individual originally  
664 qualified for the identification document has been extended by the United States Citizenship  
665 and Immigration Services or other authorized agency of the United States Department of  
666 Homeland Security.

667 (5) (a) Subsection (3) does not apply to an identification document issued under  
668 Subsection (1)(c) that [~~is only~~]:

669 (i) is only valid for use on the educational institution's campus or facility; and

670 (ii) includes a statement of the restricted use conspicuously printed upon the face of  
671 the identification document.

672 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or  
673 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.

674            (c) Subsection (3) does not apply to a public transit pass issued by a public transit  
675 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:

676            (i) is only valid for use on the public transit system; and

677            (ii) includes a statement of the restricted use conspicuously printed on the face of the  
678 public transit pass.

679            (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
680 national origin.