

HB0163S01 compared with HB0163

~~{deleted text}~~ shows text that was in HB0163 but was deleted in HB0163S01.

Inserted text shows text that was not in HB0163 but was inserted into HB0163S01.

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Representative Craig Hall proposes the following substitute bill:

MUNICIPALITY PER DIEM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to per diem and travel expenses.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires that local per diem and travel expenses for board members serving on a board created by or within a political subdivision ~~{comply with rules}~~ not exceed rates established by the Division of Finance; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

10-9a-301, as last amended by Laws of Utah 2011, Chapter 107

17-16-16, as last amended by Laws of Utah 2011, Chapter 297

17-27a-301, as last amended by Laws of Utah 2016, Chapter 411

17-31-8, as last amended by Laws of Utah 2006, Chapter 134

17-33-4, as last amended by Laws of Utah 2016, Chapter 145

17B-1-307, as last amended by Laws of Utah 2013, Chapter 448

17B-1-312, as last amended by Laws of Utah 2016, Chapter 273

17B-2a-807, as last amended by Laws of Utah 2016, Chapter 205

17D-3-301, as enacted by Laws of Utah 2008, Chapter 360

~~{ **63A-3-106**, as last amended by Laws of Utah 2016, Chapter 298~~

~~— **63A-3-107**, as last amended by Laws of Utah 2014, Chapter 387~~

ENACTS:

11-55-101, Utah Code Annotated 1953

11-55-102, Utah Code Annotated 1953

11-55-103, Utah Code Annotated 1953

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

Section 1. Section **10-9a-301** is amended to read:

10-9a-301. Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

(1) (a) Each municipality shall enact an ordinance establishing a planning commission.

(b) The ordinance shall define:

(i) the number and terms of the members and, if the municipality chooses, alternate members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office;

(iv) the authority of the planning commission;

(v) subject to Subsection (1)(c), the rules of order and procedure for use by the

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planning commission in a public meeting; and

(vi) other details relating to the organization and procedures of the planning commission.

(c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(2) The legislative body may [~~fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.~~] authorize a member to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Section 2. Section **11-55-101** is enacted to read:

CHAPTER 55. POLITICAL SUBDIVISION BOARD COMPENSATION

11-55-101. Title.

This chapter is known as "Political Subdivision Board Compensation."

Section 3. Section **11-55-102** is enacted to read:

11-55-102. Definitions.

As used in this chapter:

(1) "Board" means the same as that term is defined in Section 63A-3-106.

(2) "Board member" means the same as that term is defined in Section 63A-3-106.

(3) "~~{Political subdivision}~~Municipality" means the same as that term is defined in Section ~~{63A-3-106}~~
~~10-1-104.~~

(4) "Political subdivision" means a county, municipality, school district, limited purpose local government entity described in Title 17B, Limited Purpose Local Government Entities - Local Districts, Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental subdivision or public corporation.

Section 4. Section **11-55-103** is enacted to read:

11-55-103. General provisions.

(1) A political subdivision may authorize a board member who serves on a board within or created by the political subdivision to receive per diem and travel expenses for

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meetings actually attended at a rate that the political subdivision establishes, subject to Subsection (2).

(2) ~~{The}~~ A political subdivision may not establish rates for payment of per diem and travel expenses described in Subsection (1) ~~{shall be}~~ that exceed the rates established in accordance with:

(a) Section 63A-3-106;

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

(c) a rule adopted by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(3) Nothing in this section limits or supercedes the authority of a political subdivision to set compensation in accordance with Section 10-3-818, 11-13-403, 17-28-2, 17-33-4, 17B-1-307, or 17D-1-305.

Section 5. Section **17-16-16** is amended to read:

17-16-16. Commissioners' traveling expenses.

(1) The members of the board of county commissioners may not receive any compensation in addition to that provided in Section 17-16-14 for any special or committee work, but, subject to Subsection (2), each member shall ~~[be paid the amount of the member's actual and reasonable traveling expenses in]~~ receive travel expenses for attending the regular and special sessions of the board and in the discharge of necessary duties, in accordance with Section 11-55-103.

(2) Before receiving ~~[payment for the actual and reasonable traveling expenses]~~ travel expenses described in Subsection (1), the member shall:

(a) submit an itemized statement showing in detail the expenses incurred; and

(b) subscribe and swear to the statement described in Subsection (2)(a).

Section 6. Section **17-27a-301** is amended to read:

17-27a-301. Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

(1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.

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(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:

- (i) municipalities;
- (ii) planning advisory areas with their own planning commissions; and
- (iii) mountainous planning districts.

(c) (i) Notwithstanding Subsection (1)(a), and except as provided in Subsection (1)(c)(ii), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district, including areas of the mountainous planning district that are also located within a municipality or are unincorporated.

(ii) A planning commission described in Subsection (1)(c)(i):

(A) does not have jurisdiction over a municipality described in Subsection 10-9a-304(2)(b); and

(B) has jurisdiction subject to a local health department exercising its authority in accordance with Title 26A, Chapter 1, Local Health Departments and a municipality exercising the municipality's authority in accordance with Section 10-8-15.

(iii) The ordinance shall require that:

(A) members of the planning commission represent areas located in the unincorporated and incorporated county;

(B) members of the planning commission be registered voters who reside either in the unincorporated or incorporated county;

(C) at least one member of the planning commission resides within the mountainous planning district; and

(D) the county designate up to four seats on the planning commission, and fill each vacancy in the designated seats in accordance with the procedure described in Subsection (7).

(2) (a) The ordinance described in Subsection (1)(a) or (c) shall define:

(i) the number and terms of the members and, if the county chooses, alternate members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office;

(iv) the authority of the planning commission;

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(v) subject to Subsection (2)(b), the rules of order and procedure for use by the planning commission in a public meeting; and

(vi) other details relating to the organization and procedures of the planning commission.

(b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(3) (a) (i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:

(A) appointment procedures;

(B) procedures for filling vacancies and removing members from office;

(C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and

(D) details relating to the organization and procedures of each planning advisory area planning commission.

(ii) Subsection (3)(a)(i)(C) does not affect the planning advisory area planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:

(i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or

(ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.

(c) (i) Members shall serve four-year terms and until their successors are appointed and qualified.

(ii) Notwithstanding the provisions of Subsection (3)(c)(i), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.

(d) (i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.

(ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if

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that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory area.

(4) (a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.

(b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant seat shall be filled by appointment in accordance with this section.

(5) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.

(6) The legislative body may [~~fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.~~] authorize a member of a planning commission to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

(7) (a) Subject to Subsection (7)(f), a county shall fill a vacancy in a planning commission seat described in Subsection (1)(c)(iii)(D) in accordance with this Subsection (7).

(b) If a county designates one or more planning commission seats under Subsection (1)(c)(iii)(D), the county shall identify at least one and up to four cities that:

(i) (A) are adjacent to the mountainous planning district; and

(B) border the entrance to a canyon that is located within the boundaries of the mountainous planning district and accessed by a paved road maintained by the county or the state; or

(ii) exercise extraterritorial jurisdiction in accordance with Section 10-8-15.

(c) When there is a vacancy in a planning commission seat described in Subsection (1)(c)(iii)(D), the county shall send a written request to one of the cities described in Subsection (7)(b), on a rotating basis, if applicable, for a list of three individuals, who satisfy the requirements described in Subsection (1)(c)(iii)(B), to fill the vacancy.

(d) The city shall respond to a written request described in Subsection (7)(c) within 60 days after the day on which the city receives the written request.

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(e) After the county receives the city's list of three individuals, the county shall submit one of the individuals on the list for appointment to the vacant planning commission seat in accordance with county ordinance.

(f) The county shall fill the vacancy in accordance with the county's standard procedure if the city fails to timely respond to the written request.

Section 7. Section **17-31-8** is amended to read:

17-31-8. Tourism tax advisory boards.

(1) (a) Except as provided in Subsection (1)(b), any county that collects the following taxes shall operate a tourism tax advisory board:

(i) the tax allowed under Section 59-12-301; or

(ii) the tax allowed under Section 59-12-603.

(b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the county has an existing board, council, committee, convention visitor's bureau, or body that substantially conforms with Subsections (2), (3), and (4).

(2) A tourism tax advisory board created under Subsection (1) shall consist of at least five members.

(3) A tourism tax advisory board shall be composed of the following members that are residents of the county:

(a) a majority of the members shall be current employees of entities in the county that are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and

(b) the balance of the board's membership shall be employees of recreational facilities, convention facilities, museums, cultural attractions, or other tourism related industries located within the county.

(4) (a) Each tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-301 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

(b) Each tourism tax advisory board in a county operating under the county commission form of government under Section 17-52-501 or the expanded county commission form under Section 17-52-502 shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-603 by providing the legislative

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body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

(5) A member of any county tourism tax advisory board:

(a) may not receive compensation or benefits for the member's services; and

(b) may receive per diem and travel expenses incurred in the performance of the member's official duties, in accordance with Section 11-55-103.

Section 8. Section **17-33-4** is amended to read:

17-33-4. Career service council -- Members and alternate members -- Powers and duties -- Appeals -- Time limit -- Qualifications, appointment, terms, and compensation of council members.

(1) (a) (i) There shall be in each county establishing a system a three-member bipartisan career service council appointed by the county executive. The members of the council shall be persons in sympathy with the application of merit principles to public employment.

(ii) (A) The county executive may appoint alternate members of the career service council to hear appeals that one or more regular career service council members are unable to hear.

(B) The term of an alternate member of the career service council may not exceed one year.

(b) The council shall hear appeals not resolved at lower levels in the cases of career service employees suspended, transferred, demoted, or dismissed as well in the cases of other grievances not resolved by the grievance procedure at the division or departmental level.

(c) The career service council:

(i) may make an initial determination in each appeal whether the appeal is one of the types of matters under Subsection (1)(b) over which the council has jurisdiction;

(ii) shall, subject to Section 17-33-4.5, review written appeals in cases of applicants rejected for examination and report final binding appeals decisions, in writing, to the county legislative body;

(iii) may not hear any other personnel matter; and

(iv) may affirm, modify, vacate, or set aside an order for disciplinary action.

(d) (i) A person adversely affected by a decision of the career service council may

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appeal the decision to the district court.

(ii) An appeal to the district court under this Subsection (1)(d) is barred unless it is filed within 30 days after the career service council issues its decision.

(iii) If there is a record of the career service council proceedings, the district court review shall be limited to the record provided by the career service council.

(iv) In reviewing a decision of the career service council, the district court shall presume that the decision is valid and may determine only whether the decision is arbitrary or capricious.

(2) Each council member shall serve a term of three years to expire on June 30, three years after the date of his or her appointment, except that original appointees shall be chosen as follows: one member for a term expiring June 30, 1982; one member for a term expiring June 30, 1983; and one member for a term expiring June 30, 1984. Successors of original council members shall be chosen for three-year terms. An appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's successor. Each member of the board shall hold office until his successor is appointed and confirmed. A member of the council may be removed by the county executive for cause, after having been given a copy of the charges against him or her and an opportunity to be heard publicly on the charges before the county legislative body. Adequate annual appropriations shall be made available to enable the council effectively to carry out its duties under this law.

(3) Members and alternates of the council shall be United States citizens and be actual and bona fide residents of the state of Utah and the county from which appointed for a period of not less than one year preceding the date of appointment and a member may not hold another government office or be employed by the county.

(4) The council shall elect one of its members as chairperson, and two or more members of the council shall constitute a quorum necessary for carrying on the business and activity of the council.

(5) The council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice courts.

(6) (a) [(†)] Council members shall receive compensation for each day or partial day they are in session at a per diem rate [~~determined by the county legislative body~~] established in

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accordance with Section 11-55-103.

~~[(ii)] (b)~~ An alternate member shall receive compensation for each day or partial day that the alternate member is required to replace a regular council member, at a per diem rate ~~[determined by the county legislative body]~~ established in accordance with Section 11-55-103.

~~[(b) The county legislative body may periodically adjust the compensation rate for inflation.]~~

Section 9. Section 17B-1-307 is amended to read:

17B-1-307. Annual compensation -- Per diem compensation -- Participation in group insurance plan -- Reimbursement of expenses.

(1) (a) Except as provided in Subsection 17B-1-308(1)(e), a member of a board of trustees may receive compensation for service on the board, as determined by the board of trustees.

(b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per year.

(c) (i) As determined by the board of trustees, a member of the board of trustees may participate in a group insurance plan provided to employees of the local district on the same basis as employees of the local district.

(ii) The amount that the local district pays to provide a member with coverage under a group insurance plan shall be included as part of the member's compensation for purposes of Subsection (1)(b).

(d) The amount that a local district pays employer-matching employment taxes, if a member of the board of trustees is treated as an employee for federal tax purposes, does not constitute compensation under Subsection (1).

(2) In addition to the compensation provided under Subsection (1), the board of trustees may elect to allow a member to receive per diem and travel expenses for up to 12 meetings or activities per year in accordance with ~~[Section 11-55-103.]~~

~~[(a) Section 63A-3-106;]~~

~~[(b) Section 63A-3-107; and]~~

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

Section ~~(9)~~10. Section 17B-1-312 is amended to read:

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17B-1-312. Training for board members.

(1) (a) Each member of a board of trustees of a local district shall, within one year after taking office, complete the training described in Subsection (2).

(b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local district takes office each time the member is elected or appointed to a new term, including an appointment to fill a midterm vacancy in accordance with Subsection 17B-1-303(5) or (6).

(2) In conjunction with the Utah Association of Special Districts, the state auditor shall:

(a) develop a training curriculum for the members of local district boards; and

(b) with the assistance of other state offices and departments the state auditor considers appropriate and at times and locations established by the state auditor, carry out the training of members of local district boards.

(3) (a) A local district board of trustees may compensate each member of the board [~~up to \$100 per day~~] for each day of training described in Subsection (2) that the member completes, in accordance with Section 11-55-103.

(b) The [~~per diem amount~~] compensation authorized under Subsection (3)(a) is in addition to all other amounts of compensation and expense reimbursement authorized under this chapter.

(c) A board of trustees may not pay compensation under Subsection (3)(a) to any board member more than once per year.

(4) The state auditor shall issue a certificate of completion to each board member that completes the training described in Subsection (2).

Section ~~{10}~~11. Section **17B-2a-807** is amended to read:

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

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

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

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

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

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

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

(i) 11 members:

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

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

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

(iii) one voting member appointed as provided in Subsection (11); and

(iv) one nonvoting member appointed as provided in Subsection (12).

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

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

(ii) the cumulative proportion of transit sales and use tax collected from areas included in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit

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sales and use tax collected for the transit district.

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

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

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

(e) If the population of a county is at least 750,000, the county executive, with the advice and consent of the county legislative body, shall appoint one voting member to represent the population of the county.

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

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

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

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

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

(j) (i) Except as provided under Subsections (2)(e) and (f), voting members

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representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities within the county shall be designated and appointed by a simple majority of the chief executives of the municipalities within the county or combinations of counties if Subsection (2)(c) applies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) one member appointed by the governor.

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

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

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

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

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

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

(c) The affirmative vote of a majority of all voting members present at any meeting at

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which a quorum was initially present shall be necessary and, except as otherwise provided, is sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

(8) Each public transit district shall pay to each member~~[-]~~ per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

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

~~[(b) reasonable mileage and expenses necessarily incurred to attend board or committee meetings.]~~

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

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

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

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

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

(b) A member appointed by a county or municipality may hold employment with the county or municipality if the employment is disclosed in writing and the public transit district board of trustees ratifies the appointment.

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

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

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

(12) (a) The board of trustees of a public transit district serving a population of more

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than 200,000 people shall include a nonvoting member who represents all municipalities and unincorporated areas within the district that are located within a county that is not annexed into the public transit district.

(b) The nonvoting member representing the combination of municipalities and unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a weighted vote of the majority of the chief executive officers of the municipalities described in Subsection (12)(a).

(c) Each municipality's vote under Subsection (12)(b) shall be weighted using the proportion of the public transit district population that resides within that municipality and the adjacent unincorporated areas within the same county.

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

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

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

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

(c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

Section ~~11~~12. Section **17D-3-301** is amended to read:

17D-3-301. Board of supervisors -- Number -- Term -- Chair and officers -- Quorum -- Compensation.

(1) Each conservation district shall be governed by a board of supervisors.

(2) (a) The board of supervisors of a conservation district consists of five members elected as provided in this part, at least three of whom shall be private agricultural land operators.

(b) If the board of supervisors divides the conservation district into watershed voting areas under Section 17D-3-308, at least one member of the board of supervisors shall reside within each watershed voting area.

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(3) (a) The term of office of each member of a board of supervisors is four years.

(b) Notwithstanding Subsection (3)(a), if multiple conservation districts are consolidated or a single conservation district divided or dissolved under Part 2, Creation, Consolidation, Division, and Dissolution of Conservation Districts:

(i) the term of each member of the board of supervisors of the consolidated conservation districts or the divided or dissolved conservation district terminates immediately upon consolidation, division, or dissolution; and

(ii) (A) the commission shall hold an election, as provided in this part, for all board of supervisors members of the consolidated conservation district or divided conservation districts, as the case may be; and

(B) the term of the two candidates receiving the highest number of votes at an election under Subsection (3)(b)(ii)(A) shall be four years, and the term of the three candidates receiving the next highest number of votes shall be two years.

(4) The board of supervisors shall elect a chair from among their number, and may elect other officers from among their number that the board considers necessary.

(5) A majority of the board of supervisors constitutes a quorum for the transaction of board business, and action by a majority of a quorum present at a meeting of the board constitutes action of the board.

(6) For performing official duties, each member of the board of supervisors of a conservation district shall receive:

~~[(a) compensation for travel and time, as fixed by the commission; and]~~

~~(a) per diem and travel expenses in accordance with Section 11-55-103; and~~

~~(b) actual and necessary expenses.~~

~~{ Section 12. Section 63A-3-106 is amended to read:~~

~~63A-3-106. Per diem rates for board members.~~

~~(1) As used in this section and Section 63A-3-107:~~

~~(a) "Board" means a board, commission, council, committee, task force, or similar body established to perform a governmental function.~~

~~(b) "Board member" means a person appointed or designated by statute, ordinance, or resolution to serve on a board.~~

~~(c) "Executive branch" means an agency within the executive branch of state~~

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government:

~~—— (d) "Governmental entity" [has the same meaning as provided under] means the same as that term is defined in Section 63G-2-103.~~

~~—— (e) "Higher education" means a state institution of higher education, as defined under Section 53B-1-102.~~

~~—— (f) "Officer" means a person who is elected or appointed to an office or position within a governmental entity.~~

~~—— (g) "Official meeting" means a meeting of a board that is called in accordance with statute.~~

~~—— (h) "Municipality" means the same as that term is defined in Section 10-1-104.~~

~~—— (i) "Political subdivision" means a county, municipality, school district, limited purpose local government entity described in Title 17B, Limited Purpose Local Government Entities - Local Districts, 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act, or 17D, Limited Purpose Local Government Entities - Other Entities, or an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental subdivision or public corporation.~~

~~—— (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to approval by the executive director, the director of the Division of Finance shall make rules establishing per diem rates to defray subsistence costs for a board member's attendance at an official meeting.~~

~~—— (3) Unless otherwise provided by statute, a per diem rate established under Subsection (2) is applicable to a board member who serves:~~

~~—— (a) within the executive branch, except as provided under Subsection (3)(b);~~

~~—— (b) within higher education, unless higher education pays the costs of the per diem;~~

~~—— (c) on a board that is[: (i)] not included under Subsection (3)(a) or (b)[;] and is:~~

~~—— [(ii)] (i) created by a statute that adopts the per diem rates by reference to:~~

~~—— (A) this section; and~~

~~—— (B) the rule authorized by this section; [and] or~~

~~—— (ii) created by a political subdivision; or~~

~~—— (d) within a government entity that is not included under Subsection (3)(a), if:~~

~~—— (i) the government entity adopts the per diem rates by reference to:~~

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- ~~—— [(i)] (A) this section; or~~
- ~~—— [(ii)] (B) the rule establishing the per diem rates[.]; or~~
- ~~—— (ii) the government entity is a political subdivision.~~
- ~~—— (4) (a) Unless otherwise provided by statute, a board member who is not a legislator may receive per diem under this section and travel expenses under Section 63A-3-107 if the per diem and travel expenses are incurred by the board member for attendance at an official meeting.~~
- ~~—— (b) Notwithstanding Subsection (4)(a), a board member may not receive per diem or travel expenses under this Subsection (4) if the board member is being paid by a governmental entity while performing the board member's service on the board.~~
- ~~—— (5) A board member may decline to receive per diem for the board member's service.~~
- ~~—— (6) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~
- ~~—— Section 13. Section **63A-3-107** is amended to read:~~
- ~~—— **63A-3-107. Travel expenses of board members and state officers and employees.**~~
- ~~—— (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to approval by the executive director, the director of the Division of Finance shall make rules governing in-state and out-of-state travel expenses.~~
- ~~—— (2) Unless otherwise provided by statute, a travel expense rule established under Subsection (1) is applicable to:~~
 - ~~—— (a) a board member, an officer, or employee of the executive branch, except as provided under Subsection (2)(b);~~
 - ~~—— (b) a board member, an officer, or employee of higher education, unless higher education pays the costs of the travel expenses;~~
 - ~~—— (c) a board member who[: (i)] is not included under Subsection (2)(a) or (b)[;] and [(ii)] serves on a board created by a:~~
 - ~~—— (i) statute that adopts the travel expense rates by reference to:~~
 - ~~—— (A) this section; and~~
 - ~~—— (B) the rule authorized by this section; [and] or~~
 - ~~—— (ii) political subdivision; and~~
 - ~~—— (d) a government entity that is not included under Subsection (2)(a), if the government~~

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~~entity:~~

~~—— (i) adopts the travel expense provisions by reference to:~~

~~—— [(i)] (A) this section; or~~

~~—— [(ii)] (B) the rule establishing the travel expense provisions[.]; or~~

~~—— (ii) is a political subdivision.~~

~~—— (3) The Division of Finance shall make the travel expense rules on the basis of:~~

~~—— (a) a mileage allowance; and~~

~~—— (b) reimbursement for other travel expenses incurred.~~

~~—— (4) The travel expense rules may specify an exception to a travel expense rule or allow the director of the Division of Finance to make an exception to a travel expense rule, when justified by the executive director of the executive branch agency or department, to meet special circumstances encountered in official attendance at a conference, convention, meeting, or other official business, as determined by the director of the Division of Finance.~~

~~—— (5) An officer or employee of the executive branch may not incur obligations for travel outside the state without the advance approval of the executive director or a designee of the executive director of an executive branch department or agency.~~

~~—— (6) A board member may decline to receive travel expenses for the board member's service.~~

~~—— (7) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~

Legislative Review Note

Office of Legislative Research and General Counsel