

1                                   **HEBER VALLEY HISTORIC RAILROAD**

2   **AUTHORITY**

3   1998 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Beverly Ann Evans**

6 AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING  
7 MEMBERSHIP OF THE HEBER VALLEY HISTORIC RAILROAD AUTHORITY; AND  
8 MAKING TECHNICAL CORRECTIONS.

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

10 AMENDS:

11                   **9-3-302**, as last amended by Chapter 243, Laws of Utah 1996

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

13                   Section 1. Section **9-3-302** is amended to read:

14                   **9-3-302. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**  
15 **expenses.**

16                   (1) There is created an independent state agency and a body politic and corporate known  
17 as the "Heber Valley Historic Railroad Authority."

18                   (2) The authority shall be composed of [seven] nine members as follows:

19                   (a) one member of the county legislative body of Wasatch County;

20                   (b) the mayor of Heber City;

21                   (c) the mayor of Midway;

22                   (d) the executive director of the Department of Transportation or [his] the executive  
23 director's designee;

24                   (e) [three] five public members appointed by the governor with the consent of the Senate,  
25 being private citizens of the state, as follows:

26                   (i) two people representing the tourism industry, one each from Wasatch and Utah  
27 counties; [and]

1 (ii) one person representing the public at large; and  
2 (iii) two members representing the railroad industry.

3 (3) All members shall be residents of the state.

4 (4) (a) Except as required by Subsection (4)(b), the [~~three~~] five public members shall be  
5 appointed for four-year terms beginning July 1.

6 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time  
7 of appointment or reappointment, adjust the length of terms to ensure that the terms of authority  
8 members are staggered so that approximately half of the authority is appointed every two years.

9 (5) Any of the [~~three~~] five public members may be removed from office by the governor  
10 or for cause by an affirmative vote of any [~~four~~] five members of the authority.

11 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
12 appointed for the unexpired term by the governor with consent of the Senate for the unexpired  
13 term.

14 (7) Each public member shall hold office for the term of [~~his~~] the member's appointment  
15 and until [~~his~~] the member's successor has been appointed and qualified.

16 (8) Any public member is eligible for reappointment, but may not serve more than two full  
17 consecutive terms.

18 (9) The governor shall appoint the chair of the authority from among its members.

19 (10) The members shall elect from among their number a vice chair and other officers they  
20 may determine.

21 (11) The powers of the authority shall be vested in its members.

22 (12) [~~Four~~] Five members constitute a quorum for transaction of authority business. An  
23 affirmative vote of at least [~~four~~] five members is necessary for any action to be taken by the  
24 authority.

25 (13) (a) (i) Members who are not government employees shall receive no compensation  
26 or benefits for their services, but may receive per diem and expenses incurred in the performance  
27 of the member's official duties at the rates established by the Division of Finance under Sections  
28 63A-3-106 and 63A-3-107.

29 (ii) Members may decline to receive per diem and expenses for their service.

30 (b) (i) State government officer and employee members who do not receive salary, per  
31 diem, or expenses from their agency for their service may receive per diem and expenses incurred

1 in the performance of their official duties from the authority at the rates established by the Division  
2 of Finance under Sections 63A-3-106 and 63A-3-107.

3 (ii) State government officer and employee members may decline to receive per diem and  
4 expenses for their service.

5 (c) (i) Local government members who do not receive salary, per diem, or expenses from  
6 the entity that they represent for their service may receive per diem and expenses incurred in the  
7 performance of their official duties at the rates established by the Division of Finance under  
8 Sections 63A-3-106 and 63A-3-107.

9 (ii) Local government members may decline to receive per diem and expenses for their  
10 service.

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**Legislative Review Note**  
**as of 2-2-98 10:36 AM**

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

**Office of Legislative Research and General Counsel**