

**PERMANENT COMMUNITY IMPACT FUND -
BOARD MEMBERSHIP**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: John G. Mathis

LONG TITLE

General Description:

This bill modifies the membership of the Permanent Community Impact Fund Board.

Highlighted Provisions:

This bill:

- ▶ removes representatives of the Utah State Board of Education and the Utah State Board of Regents from the Permanent Community Impact Fund Board; and
- ▶ provides representation on the Permanent Community Impact Board from the two counties producing the most mineral lease monies over the previous four-year period as determined by the Department of Community and Economic Development.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-4-304, as last amended by Chapter 176, Laws of Utah 2002

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

Section 1. Section **9-4-304** is amended to read:



28 **9-4-304. Permanent Community Impact Fund Board created -- Members --**
 29 **Terms -- Chair -- Expenses.**

30 (1) There is created within the Department of Community and Economic Development
 31 the Permanent Community Impact Fund Board composed of 11 members as follows:

32 (a) the chair of the Board of Water Resources or the chair's designee;

33 (b) the chair of the Water Quality Board or the chair's designee;

34 (c) the director of the department or the director's designee;

35 [~~(d) the chair of the State Board of Education or the chair's designee;~~]

36 [~~(e) the chair of the State Board of Regents or the chair's designee;~~]

37 [~~(f)~~] (d) the state treasurer;

38 [~~(g)~~] (e) the chair of the Transportation Commission or the chair's designee;

39 [~~(h)~~] (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan
 40 County;

41 [~~(i)~~] (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute,
 42 or Wayne County;

43 [~~(j)~~] (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;

44 [and]

45 [~~(k)~~] (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or
 46 Kane County[-]; and

47 (j) a locally elected official from each of the two counties that produced the most
 48 mineral lease monies during the previous four-year period, prior to the term of appointment, as
 49 determined by the Department of Community and Economic Development.

50 (2) (a) The members specified under Subsections (1)[~~(h)~~](f) through (1)[~~(k)~~](j) ~~H~~→ **may**
 50a **not reside in the same county and** ←~~H~~ shall

51 be:

52 (i) nominated by the Board of Directors of the Southeastern Association of
 53 Governments, Central Utah Association of Governments, Uintah Basin Association of
 54 Governments, and Southwestern Association of Governments, respectively; ~~H~~→ **except that a**
 54a **member under Subsection (1)(j) shall be nominated by the Board of Directors of the**
 54b **Association of Governments from the region of the state in which the county is located;** ←~~H~~

54c and

55 (ii) appointed by the governor with the consent of the Senate.

56 [~~(iii)~~] (b) Except as required by Subsection (2)[~~(a)~~](iv)](c), as terms of current board
 57 members expire, the governor shall appoint each new member or reappointed member to a

58 four-year term.



59 ~~[(iv)]~~ (c) Notwithstanding the requirements of Subsection (2)~~[(a)(iii)]~~(b), the governor
60 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
61 terms of board members are staggered so that approximately half of the board is appointed
62 every two years.

63 ~~[(b)]~~ (d) When a vacancy occurs in the membership for any reason, the replacement
64 shall be appointed for the unexpired term.

65 (3) The terms of office for the members of the impact board specified under
66 Subsections (1)(a) through (1)~~[(g)]~~(e) shall run concurrently with the terms of office for the
67 councils, boards, committees, commission, departments, or offices from which the members
68 come.

69 (4) The executive director of the department, or the executive director's designee, shall
70 be the chair of the impact board.

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

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

76 (b) (i) State government officer and employee members who do not receive salary, per
77 diem, or expenses from their agency for their service may receive per diem and expenses
78 incurred in the performance of their official duties from the board at the rates established by the
79 Division of Finance under Sections 63A-3-106 and 63A-3-107.

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

82 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses
83 from the entity that they represent for their service may receive per diem and expenses incurred
84 in the performance of their official duties from the committee at the rates established by the
85 Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

86 ~~[(ii) Higher education members may decline to receive per diem and expenses for their
87 service.]~~

88 ~~[(d)]~~ (c) (i) Local government members who do not receive salary, per diem, or
89 expenses from the entity that they represent for their service may receive per diem and

90 expenses incurred in the performance of their official duties at the rates established by the
91 Division of Finance under Sections 63A-3-106 and 63A-3-107.

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

Legislative Review Note
as of 1-19-05 12:49 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0224

Permanent Community Impact Fund-Board Membership

25-Jan-05

7:45 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst