

1                                   **PER DIEM AND TRAVEL EXPENSES FOR**  
2                                   **STATE BOARDS AND COMMISSIONS**

3                                   2009 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Douglas C. Aagard**

6                                   Senate Sponsor: Peter C. Knudson

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8   **LONG TITLE**

9   **Committee Note:**

10           The Government Operations Interim Committee recommended this bill.

11   **General Description:**

12           This bill modifies the Administrative Services Code by amending provisions related to  
13 the establishment of per diem and travel expenses for a member of a board,  
14 commission, council, or committee in the executive branch of state government.

15   **Highlighted Provisions:**

16           This bill:

- 17           ▶ defines terms;
- 18           ▶ modifies procedures for the establishment of per diem rates by the Division of  
19 Finance for a member of a state board, commission, council, or committee in the  
20 executive branch of state government;
- 21           ▶ amends the exemption for higher education employees to apply only if higher  
22 education is paying the per diem or travel expenses;
- 23           ▶ allows other governmental entities to adopt the established rates by reference;
- 24           ▶ provides that a member who is a government employee that is being paid as an  
25 officer or employee while performing the member's service may not receive  
26 additional per diem or travel expenses;
- 27           ▶ allows a member of the board or commission to decline to receive per diem;



28           ▶ modifies procedures for the establishment of travel expenses by the Division of  
29 Finance for a member of a board, commission, council, or committee in the  
30 executive branch of state government;

31           ▶ allows a member of the board or commission to decline to receive travel expenses;  
32 and

33           ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35           None

36 **Other Special Clauses:**

37           None

38 **Utah Code Sections Affected:**

39 AMENDS:

40           **63A-3-106**, as renumbered and amended by Laws of Utah 1993, Chapter 212

41           **63A-3-107**, as renumbered and amended by Laws of Utah 1993, Chapter 212



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

44           Section 1. Section **63A-3-106** is amended to read:

45           **63A-3-106. Per diem rates for state officers and employees.**

46           [Subject] (1) As used in this section and Section 63A-3-107:

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

49           (b) "Executive branch" means all departments, divisions, agencies, boards, and offices  
50 within the executive branch of state government.

51           (c) "Governmental entity" has the same meaning as provided under Section 63G-2-103.

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

54           (e) "Officer" means a member of a board or a person who is elected or appointed to an  
55 office or position within a governmental entity.

56           (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
57 subject to approval by the executive director, the director of the Division of Finance shall  
58 [establish] make rules establishing per diem rates [for all state officers and employees of the

59 ~~executive branch, except officers and employees of higher education, to meet subsistence~~  
 60 ~~expenses for attendance at official meetings.] to defray subsistence costs for attendance at an~~  
 61 ~~official meeting of a board of which the officer or employee is a member.~~

62 (3) Unless otherwise provided by statute, a per diem rate established under Subsection  
 63 (2):

64 (a) is applicable to an officer or employee of the executive branch, except as provided  
 65 under Subsection (3)(b):

66 (b) is applicable to an officer or employee of higher education, unless higher education  
 67 pays the costs of the per diem; and

68 (c) may be applicable to an officer or employee of a government entity that is not  
 69 included under Subsection (3)(a), if the government entity adopts the per diem rates by  
 70 reference to:

71 (i) this section; or

72 (ii) the rule establishing the per diem rates.

73 (4) (a) Unless otherwise provided by statute, a member of a board may receive per  
 74 diem under this section and travel expenses under Section 63A-3-107 when the per diem and  
 75 travel expenses are incurred by the member for attendance at an official meeting of a board.

76 (b) Notwithstanding the provisions of Subsection (4)(a), a member may not receive per  
 77 diem or travel expenses under this Subsection (4) if the member is being paid as an officer or  
 78 employee of a governmental entity while performing the member's service on the board.

79 (5) A member of a board may decline to receive per diem for the member's service.

80 Section 2. Section **63A-3-107** is amended to read:

81 **63A-3-107. Travel expenses of executive branch officers and employees.**

82 (1) ~~[Subject]~~ In accordance with Title 63G, Chapter 3, Utah Administrative  
 83 Rulemaking Act, and subject to approval by the executive director, the director of the Division  
 84 of Finance shall [adopt] make rules governing in-state and out-of-state [travel and] travel  
 85 expenses [of all state officers and employees of the executive branch, except officers and  
 86 employees of higher education].

87 ~~[(2) The travel expense rules shall be based upon:]~~

88 ~~[(a) per diem rates of payment for subsistence expenses, subject to modification, when~~  
 89 ~~justified, to meet special circumstances encountered in official attendance at conferences;~~

90 ~~conventions, and other official meetings;]~~

91 (2) Unless otherwise provided by statute, a travel expense rule established under  
92 Subsection (1):

93 (a) is applicable to an officer or employee of the executive branch, except as provided  
94 under Subsection (2)(b);

95 (b) is applicable to an officer or employee of higher education, unless higher education  
96 pays the costs of the travel expenses; and

97 (c) may be applicable to a government entity that is not included under Subsection  
98 (2)(a), if the government entity adopts the travel expense provisions by reference to:

99 (i) this section; or

100 (ii) the rule establishing the travel expense provisions.

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

102 ~~[(b)]~~ (a) a mileage allowance; and

103 ~~[(c)]~~ (b) reimbursement for other travel expenses incurred.

104 (4) The travel expense rules may allow modification, when justified, to meet special  
105 circumstances encountered in official attendance at a conference, convention, meeting, or other  
106 official business.

107 ~~[(3)]~~ (5) (a) [Officers and employees] An officer or employee of the executive branch[;  
108 except officers or employees of higher education] may not incur obligations for travel outside  
109 Utah without the advance approval of the director of the Division of Finance.

110 (b) The director of the Division of Finance may delegate the authority to approve travel  
111 outside the state to [the directors of the state departments and agencies] an executive director or  
112 a designee of the executive director of a state department or agency.

113 (c) [This] The approval under Subsection (5)(a) or (b), shall include a certification as to  
114 the availability of funds.

115 (6) A member of a board may decline to receive travel expenses for the member's  
116 service.

**Legislative Review Note**  
as of 10-17-08 8:51 AM

**Office of Legislative Research and General Counsel**

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**H.B. 45 - Per Diem and Travel Expenses for State Boards and Commissions**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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