

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

8 **LONG TITLE**

9 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

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

30 and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **63A-3-106**, as renumbered and amended by Laws of Utah 1993, Chapter 212

39 **63A-3-107**, as renumbered and amended by Laws of Utah 1993, Chapter 212



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

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

43 **63A-3-106. Per diem rates for state officers and employees.**

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

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

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

49 (c) "Governmental entity" has the same meaning as provided under Section
50 63G-2-103.

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

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

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

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

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

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

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

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

70 (i) this section; or

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

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

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

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

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

80 **63A-3-107. Travel expenses of executive branch officers and employees.**

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

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

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

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

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

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

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

98 (i) this section; or

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

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

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

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

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

106 ~~[(3)]~~ (5) (a) [Officers and employees] An officer or employee of the executive branch[;
107 ~~except officers or employees of higher education]~~ may not incur obligations for travel outside
108 Utah without the advance approval of the director of the Division of Finance.

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

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

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