

SB0066S01 compared with SB0066

~~deleted text~~ shows text that was in SB0066 but was deleted in SB0066S01.

inserted text shows text that was not in SB0066 but was inserted into SB0066S01.

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Representative Christopher N. Herrod proposes the following substitute bill:

MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: ~~_____~~ Christopher N. Herrod

Cosponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends Title 20A, Election Code, to authorize an elected official of a political subdivision to take military leave.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes an elected official of a political subdivision to take military leave;
- ▶ authorizes the governing body to:
 - appoint a temporary replacement ~~from names submitted by the~~ for an elected

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official who takes military leave;~~{and}~~

- establish the distribution of the emoluments of the office between the elected official and the temporary replacement; and
 - establish an application process; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

ENACTS:

20A-1-513, Utah Code Annotated 1953

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

Section 1. Section **20A-1-513** is enacted to read:

Part 5. Candidate ~~{Vacancies}~~Vacancy and ~~{Vacancies}~~Vacancy and Temporary ~~{Absences}~~Absence in Elected ~~{Offices}~~Office

20A-1-513. Temporary absence in elected office of a political subdivision for military service.

(1) As used in this section:

(a) "Armed forces" means:

(i) the Army of the United States;

(ii) the United States Navy;

(iii) the United States Air Force;

(iv) the Marine Corps;

(v) the Coast Guard;

(vi) the National Guard; or

(vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).

(b) (i) "Elected official" is a person who holds an office of a political subdivision that is required by law to be filled by an election.

(ii) "Elected official" includes a person who is appointed to fill a vacancy in an office

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described in Subsection (1)(b)(i).

(c) (i) "Military leave" means the temporary absence from an office:

(A) by an elected official called to active, full-time duty in the armed forces; and

(B) for a period of time that exceeds 30 days and does not exceed ~~365~~400 days.

(ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) ~~is~~ ~~participating in a~~ ~~s~~ ~~pends for~~:

(A) out processing;

(B) an administrative delay;

(C) accrued leave; and

(D) on rest and recuperation leave program of the armed forces.

(d) "Political subdivision's governing body" means:

(i) for a county, city, or town, the legislative body of the county, city, or town;

(ii) for a local district, the board of trustees of the local district;

(iii) for a local school district, the local school board;

(iv) for a special service district:

(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or

(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and

(v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body that governs the affairs of the political subdivision.

(e) "Temporary replacement" means the person appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of the elected official who takes military leave.

(2) An elected official creates a vacancy in the elected official's office if the elected official is called to active, full-time duty in the armed forces unless the elected official takes military leave as provided by this section.

(3) An elected official may take military leave if the elected official submits to the political subdivision's governing body ~~f~~

~~— (a) ~~f~~~~ written notice of the intent to take military leave and the expected duration of the military leave, by the later of:

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~~(ii)a~~ ~~(14)~~21 days before the military leave begins; or

~~(iii)b~~ the next business day after which the elected official receives an order from the armed forces calling the elected official to active, full-time duty ~~and~~;

~~(b) the names of three people who meet the qualifications required to hold the office for consideration as a temporary replacement.~~

~~(4)~~ An elected official's military leave:

(a) begins the day on which the elected official begins active, full-time duty in the armed forces; and

(b) ends the sooner of:

(i) the expiration of the elected official's term of office; or

(ii) the day on which the elected official ends active, full-time duty in the armed forces.

~~(5) The~~ A temporary replacement shall:

(a) meet the qualifications required to hold the office; and

(b) be appointed:

(i) before the day on which the military leave begins; and

(ii) (A) in the same manner as provided by this part for a midterm vacancy if a registered political party nominated the elected official who takes military leave as a candidate for the office; or

(B) by the political subdivision's governing body ~~shall appoint a person whose name is submitted by~~ after submitting an application in accordance with Subsection (8)(b) if a registered political party did not nominate the elected official ~~under Subsection (3)(b) as~~ who takes military leave as a candidate for office.

(6) If a political subdivision's governing body does not appoint a temporary replacement before the day on which the military leave begins, the elected official's office shall remain vacant until the day on which the military leave ends.

~~(6)7~~ (a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official's military leave.

(b) An elected official may not exercise the powers or duties of the office while on military leave.

~~(7)8~~ The political subdivision's governing body ~~may~~ shall establish:

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(a) the distribution of the emoluments of the office between the elected official and the temporary replacement; and

(b) an application form and the date by which a person shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

Section 2. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

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Legislative Review Note

~~as of 2-3-11 9:30 AM~~

~~Office of Legislative Research and General Counsel~~