

1                   **LOCAL DISTRICT BOARD APPOINTMENT AMENDMENTS**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: R. Curt Webb**

5                           Senate Sponsor: Don L. Ipson

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7   **LONG TITLE**

8   **General Description:**

9           This bill addresses appointment of a member to a local district board by a county.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ allows a county legislative body to appoint a member of the county legislative body  
13 to fill a vacancy on a local district board under certain circumstances.

14 **Money Appropriated in this Bill:**

15       None

16 **Other Special Clauses:**

17       This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20       **17B-1-302**, as last amended by Laws of Utah 2016, Chapter 140

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

23       Section 1. Section **17B-1-302** is amended to read:

24       **17B-1-302. Board member qualifications -- Number of board members.**

25       (1) (a) Each member of a local district board of trustees shall be:

26           (i) a registered voter at the location of the member's residence; and

27           (ii) except as otherwise provided in this Subsection (1), a resident within:

28           (A) the boundaries of the local district; and

29           (B) if applicable, the boundaries of the division of the local district from which the

30 member is elected.

31 (b) (i) As used in this Subsection (1)(b):

32 (A) "Proportional number" means the number of members of a board of trustees that  
33 bears, as close as mathematically possible, the same proportion to all members of the board that  
34 the number of seasonally occupied homes bears to all residences within the district that receive  
35 service from the district.

36 (B) "Seasonally occupied home" means a single-family residence:

37 (I) that is located within the local district;

38 (II) that receives service from the local district; and

39 (III) whose owner:

40 (Aa) does not reside permanently at the residence; and

41 (Bb) may occupy the residence on a temporary or seasonal basis.

42 (ii) If over 50% of the residences within a local district that receive service from the  
43 local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is  
44 replaced, for a proportional number of members of the board of trustees, with the requirement  
45 that the member be an owner of land, or an agent or officer of the owner of land, that:

46 (A) receives service from the district; and

47 (B) is located within:

48 (I) the local district; and

49 (II) if applicable, the division from which the member is elected.

50 (c) For a board of trustees member in a basic local district that has within its  
51 boundaries fewer than one residential dwelling unit per 10 acres of land, the requirement under  
52 Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land  
53 within the local district that receives service from the district, or an agent or officer of the  
54 owner.

55 (d) A member of the board of trustees of a service area described in Subsection  
56 [17B-2a-905](#)(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is  
57 not subject to the requirements described in Subsection (1)(a)(ii) if the elected official was

58 elected at large by the voters of the county.

59 (e) Notwithstanding Subsection (1)(a)(ii), the county legislative body may appoint to  
 60 the local district board one of the county legislative body's own members, regardless of whether  
 61 the member resides within the boundaries described in Subsection (1)(a)(ii), if:

62 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

63 (A) for the appointment of a new board member, Subsections 17B-1-304(2) and (3); or

64 (B) for an appointment to fill a midterm vacancy, Subsections 20A-1-512(1)(a) and

65 (b);

66 (ii) no qualified candidate timely files to be considered for appointment to the local  
 67 district board; and

68 (iii) the county legislative body appoints a member of the body to the local district  
 69 board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c), who was:

70 (A) elected at large by the voters of the county;

71 (B) elected from a division of the county that includes more than 50% of the

72 geographic area of the local district; or

73 (C) if the local district is divided into divisions under Section 17B-1-306.5, elected  
 74 from a division of the county that includes more than 50% of the geographic area of the  
 75 division of the local district in which there is a board vacancy.

76 (2) Except as otherwise provided by statute, the number of members of each board of  
 77 trustees of a local district shall be an odd number that is no less than three.

78 (3) For a newly created local district, the number of members of the initial board of  
 79 trustees shall be the number specified:

80 (a) for a local district whose creation was initiated by a petition under Subsection  
 81 17B-1-203(1)(a), (b), or (c), in the petition; or

82 (b) for a local district whose creation was initiated by a resolution under Subsection  
 83 17B-1-203(1)(d) or (e), in the resolution.

84 (4) (a) For an existing local district, the number of members of the board of trustees  
 85 may be changed by a two-thirds vote of the board of trustees.

86 (b) No change in the number of members of a board of trustees under Subsection (4)(a)

87 may:

88 (i) violate Subsection (2); or

89 (ii) serve to shorten the term of any member of the board.

90 Section 2. **Effective date.**

91 If approved by two-thirds of all the members elected to each house, this bill takes effect

92 upon approval by the governor, or the day following the constitutional time limit of Utah

93 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

94 the date of veto override.