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MUNICIPALITY PER DIEM AMENDMENTS
2017 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill modifies provisions related to per diem and travel expenses.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires that per diem and travel expenses for board members serving on a board created by or within a political subdivision comply with rules established by the Division of Finance; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 10-9a-301**, as last amended by Laws of Utah 2011, Chapter 107
- 17-16-16**, as last amended by Laws of Utah 2011, Chapter 297
- 17-27a-301**, as last amended by Laws of Utah 2016, Chapter 411
- 17-31-8**, as last amended by Laws of Utah 2006, Chapter 134
- 17-33-4**, as last amended by Laws of Utah 2016, Chapter 145



- 28 [17B-1-312](#), as last amended by Laws of Utah 2016, Chapter 273
- 29 [17B-2a-807](#), as last amended by Laws of Utah 2016, Chapter 205
- 30 [17D-3-301](#), as enacted by Laws of Utah 2008, Chapter 360
- 31 [63A-3-106](#), as last amended by Laws of Utah 2016, Chapter 298
- 32 [63A-3-107](#), as last amended by Laws of Utah 2014, Chapter 387

33 ENACTS:

- 34 [11-55-101](#), Utah Code Annotated 1953
- 35 [11-55-102](#), Utah Code Annotated 1953
- 36 [11-55-103](#), Utah Code Annotated 1953



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

39 Section 1. Section **10-9a-301** is amended to read:

40 **10-9a-301. Ordinance establishing planning commission required -- Ordinance**
41 **requirements -- Compensation.**

42 (1) (a) Each municipality shall enact an ordinance establishing a planning commission.

43 (b) The ordinance shall define:

44 (i) the number and terms of the members and, if the municipality chooses, alternate
45 members;

46 (ii) the mode of appointment;

47 (iii) the procedures for filling vacancies and removal from office;

48 (iv) the authority of the planning commission;

49 (v) subject to Subsection (1)(c), the rules of order and procedure for use by the
50 planning commission in a public meeting; and

51 (vi) other details relating to the organization and procedures of the planning
52 commission.

53 (c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with
54 Title 52, Chapter 4, Open and Public Meetings Act.

55 (2) The legislative body may ~~[fix per diem compensation for the members of the~~
56 ~~planning commission, based on necessary and reasonable expenses and on meetings actually~~
57 ~~attended.]~~ authorize a member to receive per diem and travel expenses for meetings actually
58 attended, in accordance with Section [11-55-103](#).

59 Section 2. Section 11-55-101 is enacted to read:

60 **CHAPTER 55. POLITICAL SUBDIVISION BOARD COMPENSATION**

61 **11-55-101. Title.**

62 This chapter is known as "Political Subdivision Board Compensation."

63 Section 3. Section 11-55-102 is enacted to read:

64 **11-55-102. Definitions.**

65 As used in this chapter:

66 (1) "Board" means the same as that term is defined in Section 63A-3-106.

67 (2) "Board member" means the same as that term is defined in Section 63A-3-106.

68 (3) "Political subdivision" means the same as that term is defined in Section

69 63A-3-106.

70 Section 4. Section 11-55-103 is enacted to read:

71 **11-55-103. General provisions.**

72 (1) A political subdivision may authorize a board member who serves on a board
73 within or created by the political subdivision to receive per diem and travel expenses for
74 meetings actually attended.

75 (2) The rates for payment of per diem and travel expenses described in Subsection (1)
76 shall be established in accordance with:

77 (a) Section 63A-3-106;

78 (b) Section 63A-3-107; and

79 (c) a rule adopted by the Division of Finance in accordance with Sections 63A-3-106
80 and 63A-3-107.

81 Section 5. Section 17-16-16 is amended to read:

82 **17-16-16. Commissioners' traveling expenses.**

83 (1) The members of the board of county commissioners may not receive any
84 compensation in addition to that provided in Section 17-16-14 for any special or committee
85 work, but, subject to Subsection (2), each member shall ~~[be paid the amount of the member's~~
86 ~~actual and reasonable traveling expenses in]~~ receive travel expenses for attending the regular
87 and special sessions of the board and in the discharge of necessary duties, in accordance with
88 Section 11-55-103.

89 (2) Before receiving ~~[payment for the actual and reasonable traveling expenses]~~ travel

90 expenses described in Subsection (1), the member shall:

91 (a) submit an itemized statement showing in detail the expenses incurred; and

92 (b) subscribe and swear to the statement described in Subsection (2)(a).

93 Section 6. Section **17-27a-301** is amended to read:

94 **17-27a-301. Ordinance establishing planning commission required -- Exception --**
95 **Ordinance requirements -- Planning advisory area planning commission --**
96 **Compensation.**

97 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance
98 establishing a countywide planning commission for the unincorporated areas of the county not
99 within a planning advisory area.

100 (b) Subsection (1)(a) does not apply if all of the county is included within any
101 combination of:

102 (i) municipalities;

103 (ii) planning advisory areas with their own planning commissions; and

104 (iii) mountainous planning districts.

105 (c) (i) Notwithstanding Subsection (1)(a), and except as provided in Subsection
106 (1)(c)(ii), a county that designates a mountainous planning district shall enact an ordinance,
107 subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over
108 the entire mountainous planning district, including areas of the mountainous planning district
109 that are also located within a municipality or are unincorporated.

110 (ii) A planning commission described in Subsection (1)(c)(i):

111 (A) does not have jurisdiction over a municipality described in Subsection

112 **10-9a-304(2)(b)**; and

113 (B) has jurisdiction subject to a local health department exercising its authority in
114 accordance with Title 26A, Chapter 1, Local Health Departments and a municipality exercising
115 the municipality's authority in accordance with Section **10-8-15**.

116 (iii) The ordinance shall require that:

117 (A) members of the planning commission represent areas located in the unincorporated
118 and incorporated county;

119 (B) members of the planning commission be registered voters who reside either in the
120 unincorporated or incorporated county;

121 (C) at least one member of the planning commission resides within the mountainous
122 planning district; and

123 (D) the county designate up to four seats on the planning commission, and fill each
124 vacancy in the designated seats in accordance with the procedure described in Subsection (7).

125 (2) (a) The ordinance described in Subsection (1)(a) or (c) shall define:

126 (i) the number and terms of the members and, if the county chooses, alternate
127 members;

128 (ii) the mode of appointment;

129 (iii) the procedures for filling vacancies and removal from office;

130 (iv) the authority of the planning commission;

131 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the
132 planning commission in a public meeting; and

133 (vi) other details relating to the organization and procedures of the planning
134 commission.

135 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with
136 Title 52, Chapter 4, Open and Public Meetings Act.

137 (3) (a) (i) If the county establishes a planning advisory area planning commission, the
138 county legislative body shall enact an ordinance that defines:

139 (A) appointment procedures;

140 (B) procedures for filling vacancies and removing members from office;

141 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the
142 planning advisory area planning commission in a public meeting; and

143 (D) details relating to the organization and procedures of each planning advisory area
144 planning commission.

145 (ii) Subsection (3)(a)(i)(C) does not affect the planning advisory area planning
146 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

147 (b) The planning commission for each planning advisory area shall consist of seven
148 members who shall be appointed by:

149 (i) in a county operating under a form of government in which the executive and
150 legislative functions of the governing body are separated, the county executive with the advice
151 and consent of the county legislative body; or

152 (ii) in a county operating under a form of government in which the executive and
153 legislative functions of the governing body are not separated, the county legislative body.

154 (c) (i) Members shall serve four-year terms and until their successors are appointed and
155 qualified.

156 (ii) Notwithstanding the provisions of Subsection (3)(c)(i), members of the first
157 planning commissions shall be appointed so that, for each commission, the terms of at least one
158 member and no more than two members expire each year.

159 (d) (i) Each member of a planning advisory area planning commission shall be a
160 registered voter residing within the planning advisory area.

161 (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if
162 that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory
163 area.

164 (4) (a) A member of a planning commission who was elected to and served on a
165 planning commission on May 12, 2015, shall serve out the term to which the member was
166 elected.

167 (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant
168 seat shall be filled by appointment in accordance with this section.

169 (5) Upon the appointment of all members of a planning advisory area planning
170 commission, each planning advisory area planning commission under this section shall begin to
171 exercise the powers and perform the duties provided in Section [17-27a-302](#) with respect to all
172 matters then pending that previously had been under the jurisdiction of the countywide
173 planning commission or planning advisory area planning and zoning board.

174 (6) The legislative body may ~~[fix per diem compensation for the members of the~~
175 ~~planning commission, based on necessary and reasonable expenses and on meetings actually~~
176 ~~attended.]~~ authorize a member of a planning commission to receive per diem and travel
177 expenses for meetings actually attended, in accordance with Section [11-55-103](#).

178 (7) (a) Subject to Subsection (7)(f), a county shall fill a vacancy in a planning
179 commission seat described in Subsection (1)(c)(iii)(D) in accordance with this Subsection (7).

180 (b) If a county designates one or more planning commission seats under Subsection
181 (1)(c)(iii)(D), the county shall identify at least one and up to four cities that:

182 (i) (A) are adjacent to the mountainous planning district; and

183 (B) border the entrance to a canyon that is located within the boundaries of the
184 mountainous planning district and accessed by a paved road maintained by the county or the
185 state; or

186 (ii) exercise extraterritorial jurisdiction in accordance with Section 10-8-15.

187 (c) When there is a vacancy in a planning commission seat described in Subsection
188 (1)(c)(iii)(D), the county shall send a written request to one of the cities described in
189 Subsection (7)(b), on a rotating basis, if applicable, for a list of three individuals, who satisfy
190 the requirements described in Subsection (1)(c)(iii)(B), to fill the vacancy.

191 (d) The city shall respond to a written request described in Subsection (7)(c) within 60
192 days after the day on which the city receives the written request.

193 (e) After the county receives the city's list of three individuals, the county shall submit
194 one of the individuals on the list for appointment to the vacant planning commission seat in
195 accordance with county ordinance.

196 (f) The county shall fill the vacancy in accordance with the county's standard procedure
197 if the city fails to timely respond to the written request.

198 Section 7. Section 17-31-8 is amended to read:

199 **17-31-8. Tourism tax advisory boards.**

200 (1) (a) Except as provided in Subsection (1)(b), any county that collects the following
201 taxes shall operate a tourism tax advisory board:

202 (i) the tax allowed under Section 59-12-301; or

203 (ii) the tax allowed under Section 59-12-603.

204 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the
205 county has an existing board, council, committee, convention visitor's bureau, or body that
206 substantially conforms with Subsections (2), (3), and (4).

207 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least
208 five members.

209 (3) A tourism tax advisory board shall be composed of the following members that are
210 residents of the county:

211 (a) a majority of the members shall be current employees of entities in the county that
212 are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and

213 (b) the balance of the board's membership shall be employees of recreational facilities,

214 convention facilities, museums, cultural attractions, or other tourism related industries located
215 within the county.

216 (4) (a) Each tourism tax advisory board shall advise the county legislative body on the
217 best use of revenues collected from the tax allowed under Section 59-12-301 by providing the
218 legislative body with a priority listing for proposed expenditures based on projected available
219 tax revenues supplied to the board by the county legislative body on an annual basis.

220 (b) Each tourism tax advisory board in a county operating under the county
221 commission form of government under Section 17-52-501 or the expanded county commission
222 form under Section 17-52-502 shall advise the county legislative body on the best use of
223 revenues collected from the tax allowed under Section 59-12-603 by providing the legislative
224 body with a priority listing for proposed expenditures based on projected available tax revenues
225 supplied to the board by the county legislative body on an annual basis.

226 (5) A member of any county tourism tax advisory board:

227 (a) may not receive compensation or benefits for the member's services; and

228 (b) may receive per diem and travel expenses incurred in the performance of the
229 member's official duties, in accordance with Section 11-55-103.

230 Section 8. Section 17-33-4 is amended to read:

231 **17-33-4. Career service council -- Members and alternate members -- Powers and**
232 **duties -- Appeals -- Time limit -- Qualifications, appointment, terms, and compensation of**
233 **council members.**

234 (1) (a) (i) There shall be in each county establishing a system a three-member
235 bipartisan career service council appointed by the county executive. The members of the
236 council shall be persons in sympathy with the application of merit principles to public
237 employment.

238 (ii) (A) The county executive may appoint alternate members of the career service
239 council to hear appeals that one or more regular career service council members are unable to
240 hear.

241 (B) The term of an alternate member of the career service council may not exceed one
242 year.

243 (b) The council shall hear appeals not resolved at lower levels in the cases of career
244 service employees suspended, transferred, demoted, or dismissed as well in the cases of other

245 grievances not resolved by the grievance procedure at the division or departmental level.

246 (c) The career service council:

247 (i) may make an initial determination in each appeal whether the appeal is one of the
248 types of matters under Subsection (1)(b) over which the council has jurisdiction;

249 (ii) shall, subject to Section 17-33-4.5, review written appeals in cases of applicants
250 rejected for examination and report final binding appeals decisions, in writing, to the county
251 legislative body;

252 (iii) may not hear any other personnel matter; and

253 (iv) may affirm, modify, vacate, or set aside an order for disciplinary action.

254 (d) (i) A person adversely affected by a decision of the career service council may
255 appeal the decision to the district court.

256 (ii) An appeal to the district court under this Subsection (1)(d) is barred unless it is
257 filed within 30 days after the career service council issues its decision.

258 (iii) If there is a record of the career service council proceedings, the district court
259 review shall be limited to the record provided by the career service council.

260 (iv) In reviewing a decision of the career service council, the district court shall
261 presume that the decision is valid and may determine only whether the decision is arbitrary or
262 capricious.

263 (2) Each council member shall serve a term of three years to expire on June 30, three
264 years after the date of his or her appointment, except that original appointees shall be chosen as
265 follows: one member for a term expiring June 30, 1982; one member for a term expiring June
266 30, 1983; and one member for a term expiring June 30, 1984. Successors of original council
267 members shall be chosen for three-year terms. An appointment to fill a vacancy on the council
268 shall be for only the unexpired term of the appointee's successor. Each member of the board
269 shall hold office until his successor is appointed and confirmed. A member of the council may
270 be removed by the county executive for cause, after having been given a copy of the charges
271 against him or her and an opportunity to be heard publicly on the charges before the county
272 legislative body. Adequate annual appropriations shall be made available to enable the council
273 effectively to carry out its duties under this law.

274 (3) Members and alternates of the council shall be United States citizens and be actual
275 and bona fide residents of the state of Utah and the county from which appointed for a period

276 of not less than one year preceding the date of appointment and a member may not hold another
277 government office or be employed by the county.

278 (4) The council shall elect one of its members as chairperson, and two or more
279 members of the council shall constitute a quorum necessary for carrying on the business and
280 activity of the council.

281 (5) The council shall have subpoena power to compel attendance of witnesses, and to
282 authorize witness fees where it deems appropriate, to be paid at the same rate as in justice
283 courts.

284 (6) (a) ~~[(f)]~~ Council members shall receive compensation for each day or partial day
285 they are in session at a per diem rate ~~[determined by the county legislative body]~~ established in
286 accordance with Section 11-55-103.

287 ~~[(f)]~~ (b) An alternate member shall receive compensation for each day or partial day
288 that the alternate member is required to replace a regular council member, at a per diem rate
289 ~~[determined by the county legislative body]~~ established in accordance with Section 11-55-103.

290 ~~[(b) The county legislative body may periodically adjust the compensation rate for~~
291 ~~inflation.]~~

292 Section 9. Section **17B-1-312** is amended to read:

293 **17B-1-312. Training for board members.**

294 (1) (a) Each member of a board of trustees of a local district shall, within one year after
295 taking office, complete the training described in Subsection (2).

296 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local
297 district takes office each time the member is elected or appointed to a new term, including an
298 appointment to fill a midterm vacancy in accordance with Subsection **17B-1-303**(5) or (6).

299 (2) In conjunction with the Utah Association of Special Districts, the state auditor
300 shall:

301 (a) develop a training curriculum for the members of local district boards; and

302 (b) with the assistance of other state offices and departments the state auditor considers
303 appropriate and at times and locations established by the state auditor, carry out the training of
304 members of local district boards.

305 (3) (a) A local district board of trustees may compensate each member of the board ~~[up~~
306 ~~to \$100 per day]~~ for each day of training described in Subsection (2) that the member

307 completes, in accordance with Section 11-55-103.

308 (b) The [~~per diem amount~~] compensation authorized under Subsection (3)(a) is in
309 addition to all other amounts of compensation and expense reimbursement authorized under
310 this chapter.

311 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
312 member more than once per year.

313 (4) The state auditor shall issue a certificate of completion to each board member that
314 completes the training described in Subsection (2).

315 Section 10. Section **17B-2a-807** is amended to read:

316 **17B-2a-807. Public transit district board of trustees -- Appointment --**
317 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

318 (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit
319 district, the board of trustees shall consist of members appointed by the legislative bodies of
320 each municipality, county, or unincorporated area within any county on the basis of one
321 member for each full unit of regularly scheduled passenger routes proposed to be served by the
322 district in each municipality or unincorporated area within any county in the following calendar
323 year.

324 (b) For purposes of determining membership under Subsection (1)(a), the number of
325 service miles comprising a unit shall be determined jointly by the legislative bodies of the
326 municipalities or counties comprising the district.

327 (c) The board of trustees of a public transit district under this Subsection (1) may
328 include a member that is a commissioner on the Transportation Commission created in Section
329 **72-1-301** and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex
330 officio member.

331 (d) Members appointed under this Subsection (1) shall be appointed and added to the
332 board or omitted from the board at the time scheduled routes are changed, or as municipalities,
333 counties, or unincorporated areas of counties annex to or withdraw from the district using the
334 same appointment procedures.

335 (e) For purposes of appointing members under this Subsection (1), municipalities,
336 counties, and unincorporated areas of counties in which regularly scheduled passenger routes
337 proposed to be served by the district in the following calendar year is less than a full unit, as

338 defined in Subsection (1)(b), may combine with any other similarly situated municipality or
339 unincorporated area to form a whole unit and may appoint one member for each whole unit
340 formed.

341 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the
342 boundaries of a public transit district, the board of trustees shall consist of:

343 (i) 11 members:

344 (A) appointed as described under this Subsection (2); or

345 (B) retained in accordance with Section 17B-2a-807.5;

346 (ii) three members appointed as described in Subsection (4);

347 (iii) one voting member appointed as provided in Subsection (11); and

348 (iv) one nonvoting member appointed as provided in Subsection (12).

349 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting
350 members to each county within the district using an average of:

351 (i) the proportion of population included in the district and residing within each county,
352 rounded to the nearest 1/11 of the total transit district population; and

353 (ii) the cumulative proportion of transit sales and use tax collected from areas included
354 in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit
355 sales and use tax collected for the transit district.

356 (c) The board shall join an entire or partial county not apportioned a voting member
357 under this Subsection (2) with an adjacent county for representation. The combined
358 apportionment basis included in the district of both counties shall be used for the
359 apportionment.

360 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment
361 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county
362 or combination of counties with the smallest additional fraction of a whole member proportion
363 shall have one less member apportioned to it.

364 (ii) If rounding to the nearest 1/11 of the total public transit district apportionment
365 basis under Subsection (2)(b) results in an apportionment of less than 11 members, the county
366 or combination of counties with the largest additional fraction of a whole member proportion
367 shall have one more member apportioned to it.

368 (e) If the population of a county is at least 750,000, the county executive, with the

369 advice and consent of the county legislative body, shall appoint one voting member to
370 represent the population of the county.

371 (f) If a municipality's population is at least 160,000, the chief municipal executive,
372 with the advice and consent of the municipal legislative body, shall appoint one voting member
373 to represent the population within a municipality.

374 (g) (i) The number of voting members appointed from a county and municipalities
375 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total
376 voting member apportionment under this Subsection (2).

377 (ii) Notwithstanding Subsections (2)(l) and (10), no more than one voting member
378 appointed by an appointing entity may be a locally elected public official.

379 (h) If the entire county is within the district, the remaining voting members for the
380 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or
381 the municipalities within the county.

382 (i) If the entire county is not within the district, and the county is not joined with
383 another county under Subsection (2)(c), the remaining voting members for the county shall
384 represent a municipality or combination of municipalities.

385 (j) (i) Except as provided under Subsections (2)(e) and (f), voting members
386 representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities
387 within the county shall be designated and appointed by a simple majority of the chief
388 executives of the municipalities within the county or combinations of counties if Subsection
389 (2)(c) applies.

390 (ii) The appointments shall be made by joint written agreement of the appointing
391 municipalities, with the consent and approval of the county legislative body of the county that
392 has at least 1/11 of the district's apportionment basis.

393 (k) Voting members representing a municipality or combination of municipalities shall
394 be designated and appointed by the chief executive officer of the municipality or simple
395 majority of chief executive officers of municipalities with the consent of the legislative body of
396 the municipality or municipalities.

397 (l) The appointment of members shall be made without regard to partisan political
398 affiliation from among citizens in the community.

399 (m) Each member shall be a bona fide resident of the municipality, county, or

400 unincorporated area or areas which the member is to represent for at least six months before the
401 date of appointment, and shall continue in that residency to remain qualified to serve as a
402 member.

403 (n) (i) All population figures used under this section shall be derived from the most
404 recent official census or census estimate of the United States Bureau of the Census.

405 (ii) If population estimates are not available from the United States Bureau of Census,
406 population figures shall be derived from the estimate from the Utah Population Estimates
407 Committee.

408 (iii) All transit sales and use tax totals shall be obtained from the State Tax
409 Commission.

410 (o) (i) The board shall be apportioned as provided under this section in conjunction
411 with the decennial United States Census Bureau report every 10 years.

412 (ii) Within 120 days following the receipt of the population estimates under this
413 Subsection (2)(o), the district shall reapportion representation on the board of trustees in
414 accordance with this section.

415 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed
416 apportionment.

417 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to
418 each of its constituent entities as defined under Section [17B-1-701](#).

419 (v) The appointing entities gaining a new board member shall appoint a new member
420 within 30 days following receipt of the resolution.

421 (vi) The appointing entities losing a board member shall inform the board of which
422 member currently serving on the board will step down:

423 (A) upon appointment of a new member under Subsection (2)(o)(v); or

424 (B) in accordance with Section [17B-2a-807.5](#).

425 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
426 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the
427 same basis as if the area had been included in the district as originally organized.

428 (4) In addition to the voting members appointed in accordance with Subsection (2), the
429 board shall consist of three voting members appointed as follows:

430 (a) one member appointed by the speaker of the House of Representatives;

431 (b) one member appointed by the president of the Senate; and

432 (c) one member appointed by the governor.

433 (5) Except as provided in Section [17B-2a-807.5](#), the terms of office of the members of
434 the board shall be four years or until a successor is appointed, qualified, seated, and has taken
435 the oath of office.

436 (6) (a) Vacancies for members shall be filled by the official appointing the member
437 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within
438 90 days.

439 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90
440 days, the board of trustees of the authority shall fill the vacancy.

441 (c) If the appointing official under Subsection (2) does not fill the vacancy within 90
442 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

443 (7) (a) Each voting member may cast one vote on all questions, orders, resolutions, and
444 ordinances coming before the board of trustees.

445 (b) A majority of all voting members of the board of trustees are a quorum for the
446 transaction of business.

447 (c) The affirmative vote of a majority of all voting members present at any meeting at
448 which a quorum was initially present shall be necessary and, except as otherwise provided, is
449 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

450 (8) Each public transit district shall pay to each member[?] per diem and travel
451 expenses for meetings actually attended, in accordance with Section [11-55-103](#).

452 [~~(a) an attendance fee of \$50 per board or committee meeting attended, not to exceed~~
453 ~~\$200 in any calendar month to any member; and]~~

454 [~~(b) reasonable mileage and expenses necessarily incurred to attend board or committee~~
455 ~~meetings.]~~

456 (9) (a) Members of the initial board of trustees shall convene at the time and place
457 fixed by the chief executive officer of the entity initiating the proceedings.

458 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and
459 secretary.

460 (c) The members elected under Subsection (9)(b) shall serve for a period of two years
461 or until their successors shall be elected and qualified.

462 (d) On or after January 1, 2011, a locally elected public official is not eligible to serve
463 as the chair, vice chair, or secretary of the board of trustees.

464 (10) (a) Except as otherwise authorized under Subsections (2)(g) and (10)(b) and
465 Section 17B-2a-807.5, at the time of a member's appointment or during a member's tenure in
466 office, a member may not hold any employment, except as an independent contractor or locally
467 elected public official, with a county or municipality within the district.

468 (b) A member appointed by a county or municipality may hold employment with the
469 county or municipality if the employment is disclosed in writing and the public transit district
470 board of trustees ratifies the appointment.

471 (11) The Transportation Commission created in Section 72-1-301:

472 (a) for a public transit district serving a population of 200,000 people or fewer, may
473 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
474 a nonvoting, ex officio member; and

475 (b) for a public transit district serving a population of more than 200,000 people, shall
476 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
477 a voting member.

478 (12) (a) The board of trustees of a public transit district serving a population of more
479 than 200,000 people shall include a nonvoting member who represents all municipalities and
480 unincorporated areas within the district that are located within a county that is not annexed into
481 the public transit district.

482 (b) The nonvoting member representing the combination of municipalities and
483 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a
484 weighted vote of the majority of the chief executive officers of the municipalities described in
485 Subsection (12)(a).

486 (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the
487 proportion of the public transit district population that resides within that municipality and the
488 adjacent unincorporated areas within the same county.

489 (13) (a) (i) Each member of the board of trustees of a public transit district is subject to
490 recall at any time by the legislative body of the county or municipality from which the member
491 is appointed.

492 (ii) Each recall of a board of trustees member shall be made in the same manner as the

493 original appointment.

494 (iii) The legislative body recalling a board of trustees member shall provide written
495 notice to the member being recalled.

496 (b) Upon providing written notice to the board of trustees, a member of the board may
497 resign from the board of trustees.

498 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or
499 resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

500 Section 11. Section 17D-3-301 is amended to read:

501 **17D-3-301. Board of supervisors -- Number -- Term -- Chair and officers --**
502 **Quorum -- Compensation.**

503 (1) Each conservation district shall be governed by a board of supervisors.

504 (2) (a) The board of supervisors of a conservation district consists of five members
505 elected as provided in this part, at least three of whom shall be private agricultural land
506 operators.

507 (b) If the board of supervisors divides the conservation district into watershed voting
508 areas under Section 17D-3-308, at least one member of the board of supervisors shall reside
509 within each watershed voting area.

510 (3) (a) The term of office of each member of a board of supervisors is four years.

511 (b) Notwithstanding Subsection (3)(a), if multiple conservation districts are
512 consolidated or a single conservation district divided or dissolved under Part 2, Creation,
513 Consolidation, Division, and Dissolution of Conservation Districts:

514 (i) the term of each member of the board of supervisors of the consolidated
515 conservation districts or the divided or dissolved conservation district terminates immediately
516 upon consolidation, division, or dissolution; and

517 (ii) (A) the commission shall hold an election, as provided in this part, for all board of
518 supervisors members of the consolidated conservation district or divided conservation districts,
519 as the case may be; and

520 (B) the term of the two candidates receiving the highest number of votes at an election
521 under Subsection (3)(b)(ii)(A) shall be four years, and the term of the three candidates
522 receiving the next highest number of votes shall be two years.

523 (4) The board of supervisors shall elect a chair from among their number, and may

524 elect other officers from among their number that the board considers necessary.

525 (5) A majority of the board of supervisors constitutes a quorum for the transaction of
526 board business, and action by a majority of a quorum present at a meeting of the board
527 constitutes action of the board.

528 (6) For performing official duties, each member of the board of supervisors of a
529 conservation district shall receive:

530 [~~(a) compensation for travel and time, as fixed by the commission; and]~~

531 (a) per diem and travel expenses in accordance with Section 11-55-103; and

532 (b) actual and necessary expenses.

533 Section 12. Section 63A-3-106 is amended to read:

534 **63A-3-106. Per diem rates for board members.**

535 (1) As used in this section and Section 63A-3-107:

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

538 (b) "Board member" means a person appointed or designated by statute, ordinance, or
539 resolution to serve on a board.

540 (c) "Executive branch" means an agency within the executive branch of state
541 government.

542 (d) "Governmental entity" [~~has the same meaning as provided under~~] means the same
543 as that term is defined in Section 63G-2-103.

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

546 (f) "Officer" means a person who is elected or appointed to an office or position within
547 a governmental entity.

548 (g) "Official meeting" means a meeting of a board that is called in accordance with
549 statute.

550 (h) "Municipality" means the same as that term is defined in Section 10-1-104.

551 (i) "Political subdivision" means a county, municipality, school district, limited
552 purpose local government entity described in Title 17B, Limited Purpose Local Government
553 Entities - Local Districts, 17C, Limited Purpose Local Government Entities - Community
554 Reinvestment Agency Act, or 17D, Limited Purpose Local Government Entities - Other

555 Entities, or an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
 556 Interlocal Cooperation Act, or any other governmental subdivision or public corporation.

557 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
 558 subject to approval by the executive director, the director of the Division of Finance shall make
 559 rules establishing per diem rates to defray subsistence costs for a board member's attendance at
 560 an official meeting.

561 (3) Unless otherwise provided by statute, a per diem rate established under Subsection
 562 (2) is applicable to a board member who serves:

563 (a) within the executive branch, except as provided under Subsection (3)(b);
 564 (b) within higher education, unless higher education pays the costs of the per diem;
 565 (c) on a board that is~~[-(i)]~~ not included under Subsection (3)(a) or (b)~~[-];~~ and is:
 566 ~~[(i)]~~ (i) created by a statute that adopts the per diem rates by reference to:

567 (A) this section; and

568 (B) the rule authorized by this section; ~~[and]~~ or

569 (ii) created by a political subdivision; or

570 (d) within a government entity that is not included under Subsection (3)(a), if:

571 (i) the government entity adopts the per diem rates by reference to:

572 ~~[(i)]~~ (A) this section; or

573 ~~[(ii)]~~ (B) the rule establishing the per diem rates~~[-];~~ or

574 (ii) the government entity is a political subdivision.

575 (4) (a) Unless otherwise provided by statute, a board member who is not a legislator
 576 may receive per diem under this section and travel expenses under Section 63A-3-107 if the per
 577 diem and travel expenses are incurred by the board member for attendance at an official
 578 meeting.

579 (b) Notwithstanding Subsection (4)(a), a board member may not receive per diem or
 580 travel expenses under this Subsection (4) if the board member is being paid by a governmental
 581 entity while performing the board member's service on the board.

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

583 (6) Compensation and expenses of a board member who is a legislator are governed by
 584 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

585 Section 13. Section 63A-3-107 is amended to read:

586 **63A-3-107. Travel expenses of board members and state officers and employees.**

587 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
588 subject to approval by the executive director, the director of the Division of Finance shall make
589 rules governing in-state and out-of-state travel expenses.

590 (2) Unless otherwise provided by statute, a travel expense rule established under
591 Subsection (1) is applicable to:

592 (a) a board member, an officer, or employee of the executive branch, except as
593 provided under Subsection (2)(b);

594 (b) a board member, an officer, or employee of higher education, unless higher
595 education pays the costs of the travel expenses;

596 (c) a board member who~~[-(i)]~~ is not included under Subsection (2)(a) or (b)~~[-]~~ and
597 ~~[(ii)]~~ serves on a board created by a:

598 (i) statute that adopts the travel expense rates by reference to:

599 (A) this section; and

600 (B) the rule authorized by this section; ~~[and]~~ or

601 (ii) political subdivision; and

602 (d) a government entity that is not included under Subsection (2)(a), if the government
603 entity:

604 (i) adopts the travel expense provisions by reference to:

605 ~~[(i)]~~ (A) this section; or

606 ~~[(i)]~~ (B) the rule establishing the travel expense provisions~~[-]~~; or

607 (ii) is a political subdivision.

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

609 (a) a mileage allowance; and

610 (b) reimbursement for other travel expenses incurred.

611 (4) The travel expense rules may specify an exception to a travel expense rule or allow
612 the director of the Division of Finance to make an exception to a travel expense rule, when
613 justified by the executive director of the executive branch agency or department, to meet
614 special circumstances encountered in official attendance at a conference, convention, meeting,
615 or other official business, as determined by the director of the Division of Finance.

616 (5) An officer or employee of the executive branch may not incur obligations for travel

617 outside the state without the advance approval of the executive director or a designee of the
618 executive director of an executive branch department or agency.

619 (6) A board member may decline to receive travel expenses for the board member's
620 service.

621 (7) Compensation and expenses of a board member who is a legislator are governed by
622 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Legislative Review Note
Office of Legislative Research and General Counsel