

1 LOCAL DISTRICT AMENDMENTS

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Stephen G. Handy

5 Senate Sponsor: Derrin R. Owens

7 LONG TITLE

8 General Description:

9 This bill amends Title 17B, Limited Purpose Local Government Entities - Local
10 Districts.

11 Highlighted Provisions:

12 This bill:

13 ► modifies provisions related to the prohibition against local district employment of a
14 board of trustees member.

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 None

19 Utah Code Sections Affected:

20 AMENDS:

21 **17B-1-311**, as last amended by Laws of Utah 2019, Chapter 479

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

24 Section 1. Section **17B-1-311** is amended to read:

25 **17B-1-311. Board member prohibited from district employment -- Exception.**

26 (1) No elected or appointed member of the board of trustees of a local district may,
27 while serving on the board, be employed by the district, whether as an employee or under a
28 contract.

29 (2) No person employed by a local district, whether as an employee or under a contract,

30 may serve on the board of that local district.

31 (3) A local district is not in violation of a prohibition described in Subsection (1) or (2)
32 if the local district:

33 (a) treats a member of a board of trustees as an employee for income tax purposes; and

34 (b) complies with the compensation limits of Section 17B-1-307 for purposes of that
35 member.

36 (4) This section does not apply to a local district if:

37 (a) fewer than 3,000 people in the state live within 40 miles of the local district's
38 boundaries or primary place of employment, measured over all weather public roads; and

39 (b) with respect to the employment of a board of trustees member under Subsection
40 (1):

41 (i) the job opening has had reasonable public notice; and

42 (ii) the person employed is the best qualified candidate for the position.

43 (5) This section does not apply to a board of trustees of a large public transit district as
44 described in Chapter 2a, Part 8, Public Transit District Act.