

**LOCAL DISTRICT BOARD AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kera Birkeland**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to fire districts.

**Highlighted Provisions:**

This bill:

▶ exempts fire protection districts located in a county of the fourth, fifth, and sixth class from the prohibition against a person simultaneously acting as a member of the fire district's board of trustees and as the fire district's employee or contractor.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-1-311**, as last amended by Laws of Utah 2021, Chapter 51

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

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

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

(1) No elected or appointed member of the board of trustees of a local district may, 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:

44 (a) a large public transit district as described in Chapter 2a, Part 8, Public Transit  
45 District Act[-] ; or

46 (b) a fire protection district as described in Chapter 2a, Part 3, Fire Protection District  
47 Act, located in a county of the fourth, fifth, or sixth class.