

SB0091S03 compared with SB0091S02

~~text~~ shows text that was in SB0091S02 but was deleted in SB0091S03.

text shows text that was not in SB0091S02 but was inserted into SB0091S03.

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~~Senator Chris H. Wilson~~Representative Paul A. Cutler proposes the following substitute bill:

LOCAL GOVERNMENT OFFICERS COMPENSATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~Chris H. Wilson~~

House Sponsor: Paul A. ~~Cory Maloy~~Cutler

LONG TITLE

General Description:

This bill modifies provisions relating to the compensation of certain county and municipal officers.

Highlighted Provisions:

This bill:

- ▶ requires a county legislative body or municipal governing body proposing a compensation increase for specified officers to hold a public hearing on the proposed increase and provide notice of the hearing; and
- ▶ repeals language relating to compensation of municipal officers.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-818, as last amended by Laws of Utah 2023, Chapter 435

17-16-14, as last amended by Laws of Utah 1993, Chapter 227

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

Section 1. Section **10-3-818** is amended to read:

10-3-818. Salaries in municipalities -- Notice.

(1) The elective and statutory officers of municipalities shall receive [~~such~~] the compensation for their services [~~as~~] that the governing body [~~may fix~~] fixes by ordinance adopting compensation or compensation schedules enacted after public hearing.

(2) (a) As used in this Subsection (2):

(i) "Compensation" means:

(A) salary, including salary paid under a contract;

(B) a budgeted bonus or budgeted incentive pay;

(C) a vehicle allowance; and

(D) deferred salary.

(ii) "Compensation increase" means an increase in any item of compensation listed in Subsection (2)(a)(i).

(~~iii~~) (iii) "Executive municipal officer" means:

(A) the city or town manager or chief administrative officer;

(B) the assistant city or town manager or assistant city or town chief administrative officer;

(C) the city or town attorney;

(D) an individual who is the head or chief of a city or town department or division; or

(E) an individual who is the chief assistant or deputy of an individual described in

Subsection (2)(a)(ii)(D).

(b) ~~(A)~~ Before a governing body ~~{shall establish the compensation}~~ may adopt a final budget or a final amended budget that includes a compensation increase for an executive

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municipal officer, ~~as provided in this section.~~

~~(c) Before a governing body may increase any item of an executive municipal officer's compensation listed in Subsection (2)(a)(i), the governing body shall:~~

~~(i) hold a public hearing on the proposed compensation increase; and~~

~~(ii) publish notice of the time, place, and purpose of the public hearing:~~

~~(A) for at least seven days before the date of the public hearing; and~~

~~(B) as a class A notice under Section 63G-30-102.~~

~~(d) A public hearing under Subsection (2)(c)(i):~~

~~(i) shall be held separate from any other public hearing; and~~

~~(ii) may be held the same day as another public hearing, including immediately before or after the other public hearing.~~

~~[(2) Upon its own motion the governing body may review or consider the compensation of any officer or officers of the municipality or a salary schedule applicable to any officer or officers of the city for the purpose of determining whether or not it should be adopted, changed, or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.]~~

~~[(3) Notice of the time, place, and purpose of the meeting shall be published, for at least seven days before the day of the meeting, for the municipality, as a class A notice under Section 63G-30-102.]~~

~~[(4) After the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the municipality or adopting a compensation schedule applicable to any officer or officers.]~~

~~[(5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality establishing a salary or compensation schedule for its elective or appointive officers and any salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the municipality has enacted an ordinance pursuant to the provisions of this chapter.]~~

~~[(6) The compensation of all municipal officers shall be paid at least monthly out of the municipal treasury provided that municipalities having 1,000 or fewer population may by ordinance provide for the payment of its statutory officers less frequently. None of the~~

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provisions of this chapter shall be considered as limiting or restricting the authority to any municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI, Section 5, to determine the salaries of its elective and appointive officers or employees.]

Section 2. Section 17-16-14 is amended to read:

17-16-14. Salaries of county officers.

(1) The annual salaries of the officers of all counties in the state shall be fixed by the respective county legislative bodies[, provided no changes shall be made in existing salaries of county officers until the county legislative body in a county desiring to change existing salaries of county officers shall first hold a public hearing at which all interested persons shall be given an opportunity to be heard], subject to the requirements of this section.

(2) (a) As used in this Subsection (2):

(i) "Compensation" means:

(A) salary, including salary paid under a contract;

(B) a budgeted bonus or budgeted incentive pay;

(C) a vehicle allowance; and

(D) deferred salary.

(ii) "Compensation increase" means an increase in any item of compensation listed in Subsection (2)(a)(i).

~~(iii)~~ (iii) "Executive county officer" means:

(A) the county manager or chief administrative officer;

(B) the assistant county manager or assistant county chief administrative officer;

(C) an individual who is the head or chief of a county department or division; ~~or~~

(D) an individual who is the chief assistant or deputy of an individual described in

Subsection (2)(a)(ii)(C); or

~~(b) A~~ E) in a county of the first class with a county executive-council form of government under Section 17-52a-203, an individual appointed by the county executive to a position requiring the advice and consent of the county legislative body; ~~shall establish the compensation for an executive county officer, as provided in this section.~~

~~(c)~~, as provided by county ordinance.

(b) Before a county legislative body may ~~increase any item of~~ adopt a final budget or

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a final amended budget that includes a compensation increase for an executive county ~~officer's~~ compensation listed in Subsection (2)(a)(i) ~~officer~~, the county legislative body shall:

(i) hold a public hearing on the ~~proposed~~ compensation increase; and

(ii) publish notice of the time, place, and purpose of the public hearing:

(A) for at least seven days before the date of the public hearing; and

(B) as a class A notice under Section 63G-30-102.

~~(d)~~(c) A public hearing under Subsection (2)(c)(i):

(i) shall be held separate from any other public hearing; and

(ii) may be held the same day as another public hearing, including immediately before

or after the other public hearing.

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.