

**WATER CONSERVANCY DISTRICT AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

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

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 1 absent

**General Description:**

This bill amends provisions of the Election Code to provide for filling a vacancy on the board of a water conservancy district located in more than one county.

**Highlighted Provisions:**

This bill:

- ▶ establishes a process for filling a vacancy on the board of a water conservancy district located in more than one county, including providing notice, nominating candidates, and appointing an individual to fill the vacancy.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-1-512**, as last amended by Laws of Utah 2019, Chapter 40

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



28 Section 1. Section 20A-1-512 is amended to read:

29 **20A-1-512. Midterm vacancies on local district boards.**

30 (1) (a) [~~Whenever~~] When a vacancy occurs on any local district board for any reason,  
31 the following shall appoint a replacement to serve out the unexpired term in accordance with  
32 this section:

- 33 (i) the local district board, if the person vacating the position was elected; or
- 34 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the  
35 appointing authority appointed the person vacating the position.

36 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the  
37 local district board or appointing authority shall:

38 (i) give public notice of the vacancy at least two weeks before the local district board  
39 or appointing authority meets to fill the vacancy by:

40 (A) if there is a newspaper of general circulation, as that term is defined in Section  
41 45-1-201, within the district, publishing the notice in the newspaper of general circulation;

42 (B) posting the notice in three public places within the local district; and

43 (C) posting on the Utah Public Notice Website created under Section 63F-1-701; and

44 (ii) identify, in the notice:

45 (A) the date, time, and place of the meeting where the vacancy will be filled;

46 (B) the individual to whom an individual who is interested in an appointment to fill the  
47 vacancy may submit the individual's name for consideration; and

48 (C) any submission deadline.

49 (c) An appointing authority is not subject to Subsection (1)(b) if:

50 (i) the appointing authority appoints one of the appointing authority's own members;

51 and

52 (ii) that member meets all applicable statutory board member qualifications.

53 (d) When a vacancy occurs on the board of a water conservancy district located in  
54 more than one county:

55 (i) the board shall give notice of the vacancy to the county legislative bodies that  
56 nominated the vacating trustee as provided in Section 17B-2a-1005;

57 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively  
58 compile a list of three nominees to fill the vacancy; and

59            (iii) the governor shall, with the advice and consent of the Senate, appoint an  
60 individual to fill the vacancy from nominees submitted as provided in Subsection  
61 17B-2a-1005(2)(c).

62            (2) If the local district board fails to appoint an individual to complete an elected board  
63 member's term within 90 days, the legislative body of the county or municipality that created  
64 the local district shall fill the vacancy in accordance with the procedure for a local district  
65 described in Subsection (1)(b).