

Effective 5/13/2014

20A-7-602.5 Initial fiscal and legal impact estimate -- Preparation of estimate -- Challenge to estimate.

- (1) Within three working days after the day on which the local clerk receives an application for a referendum petition, the local clerk shall submit a copy of the application to the county, city, or town's budget officer.
- (2)
 - (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to repeal that contains:
 - (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
 - (ii) if repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;
 - (iii) if repealing the law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt that would result;
 - (iv) a listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source;
 - (v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;
 - (vi) the legal impacts that would result from repealing the law, including:
 - (A) any significant effects on a person's vested property rights;
 - (B) any significant effects on other laws or ordinances;
 - (C) any significant legal liability the city, county, or town may incur; and
 - (D) any other significant legal impact as determined by the budget officer and the legal counsel; and
 - (vii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, if the law were repealed.
 - (b)
 - (i) If repealing the law would have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The (title of the local budget officer) estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
 - (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer shall include a summary statement describing the fiscal impact.
 - (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors impacting the variability or difficulty of the estimate.
- (3) Within 25 calendar days after the day on which the local clerk submits a copy of the application under Subsection (1), the budget officer shall:
 - (a) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the local clerk's office; and

- (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate, to the first five sponsors named in the application.

Enacted by Chapter 364, 2014 General Session