

**Representative John Knotwell** proposes the following substitute bill:

**LOCAL GOVERNMENT INTERFUND LOANS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends provisions allowing local governments to authorize interfund loans.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the terms and conditions of an interfund loan to be in writing;
- ▶ requires an interfund loan to be approved by ordinance or resolution in a public meeting;
- ▶ places restrictions on the interest rate;
- ▶ places restrictions on the length of the loan;
- ▶ requires notice and a public hearing with an exception to the requirements;
- ▶ provides an exemption from the requirements under certain circumstances; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill coordinates with S.B. 18, Local Government General Fund Amendments, by providing technical amendments.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **10-5-120**, as enacted by Laws of Utah 1983, Chapter 34

29 **10-6-106**, as last amended by Laws of Utah 2003, Chapter 292

30 **10-6-132**, as enacted by Laws of Utah 1979, Chapter 26

31 **17-36-3**, as last amended by Laws of Utah 2012, Chapter 17

32 **17-36-30**, as enacted by Laws of Utah 1975, Chapter 22

33 **17B-1-601**, as renumbered and amended by Laws of Utah 2007, Chapter 329

34 **17B-1-626**, as renumbered and amended by Laws of Utah 2007, Chapter 329

35 ENACTS:

36 **10-5-102.5**, Utah Code Annotated 1953

37 **Utah Code Sections Affected by Coordination Clause:**

38 **10-5-102.5**, Utah Code Annotated 1953

39 **10-6-106**, as last amended by Laws of Utah 2003, Chapter 292

40 **17-36-3**, as last amended by Laws of Utah 2012, Chapter 17



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

43 Section 1. Section **10-5-102.5** is enacted to read:

44 **10-5-102.5. Definitions.**

45 As used in this chapter:

46 (1) "Fund" is as defined by the Governmental Accounting Standards Board as reflected  
47 in the Uniform Accounting Manual for All Local Governments prepared by the Office of the  
48 Utah State Auditor.

49 (2) "General fund" is as defined by the Governmental Accounting Standards Board as  
50 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office  
51 of the Utah State Auditor.

52 (3) "Interfund loan" means a loan of cash from one fund to another, subject to future  
53 repayment.

54 (4) "Town general fund" means the general fund used by a town.

55 Section 2. Section **10-5-120** is amended to read:

56 **10-5-120. Loans between funds -- Bonds purchased by funds.**

57 (1) Subject to this section, restrictions imposed by bond ordinance, [statute,] or other  
58 controlling regulations, the town council may [(+)]:

59 (a) subject to the restrictions in Section 53-2a-605, authorize an interfund [loans] loan  
60 from one fund to another [at such interest rates and upon such repayment terms and conditions  
61 as it may prescribe,]; and [(2)]

62 (b) with available cash in any fund, purchase or otherwise acquire for investment an  
63 unmatured [bonds] bond of the town or of any fund of the town.

64 (2) An interfund loan under Subsection (1)(a) shall be in writing and specify the terms  
65 and conditions of the loan, including the:

66 (a) effective date of the loan;

67 (b) name of the fund loaning the money;

68 (c) name of the fund receiving the money;

69 (d) amount of the loan;

70 (e) subject to Subsection (3), term of and repayment schedule for the loan;

71 (f) subject to Subsection (4), interest rate of the loan;

72 (g) method of calculating interest applicable to the loan;

73 (h) procedures for:

74 (i) applying interest to the loan; and

75 (ii) paying interest on the loan; and

76 (i) other terms and conditions the town council determines applicable.

77 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed  
78 10 years.

79 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the  
80 town council shall apply an interest rate that reflects the rate of potential gain had the funds  
81 been deposited or invested in a comparable investment.

82 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under  
83 Subsection (2)(f):

84 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less  
85 than the rate offered by the Public Treasurers' Investment Fund that was created for public  
86 funds transferred to the state treasurer in accordance with Section 51-7-5; or

87 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be

88 less than the greater of the rate offered by:

89 (A) the Public Treasurers' Investment Fund that was created for public funds

90 transferred to the state treasurer in accordance with Section 51-7-5; or

91 (B) a United States Treasury note of a comparable term.

92 (5) (a) For an interfund loan under Subsection (1)(a), the town council shall:

93 (i) hold a public hearing;

94 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the

95 proposed terms and conditions of the interfund loan under Subsection (2);

96 (iii) provide notice of the public hearing in the same manner as required under

97 Subsection 10-5-108(2) as if the hearing were a budget hearing; and

98 (iv) authorize the interfund loan by ordinance or resolution in a public meeting.

99 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the

100 interfund loan is included in an original budget or in a subsequent budget amendment

101 previously approved by the town council for the current fiscal year.

102 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan

103 is:

104 (a) a loan from the town general fund to any other fund of the town; or

105 (b) a short term advance from the town's cash and investment pool to individual funds

106 that are repaid by the end of the fiscal year.

107 Section 3. Section **10-6-106** is amended to read:

108 **10-6-106. Definitions.**

109 As used in this chapter:

110 (1) "Account group" is defined by generally accepted accounting principles as reflected  
111 in the Uniform Accounting Manual for Utah Cities.

112 (2) "Appropriation" means an allocation of money by the governing body for a specific  
113 purpose.

114 (3) (a) "Budget" means a plan of financial operations for a fiscal period which  
115 embodies estimates of proposed expenditures for given purposes and the proposed means of  
116 financing them.

117 (b) "Budget" may refer to the budget of a particular fund for which a budget is required  
118 by law or it may refer collectively to the budgets for all such funds.

- 119 (4) "Budgetary fund" means a fund for which a budget is required.
- 120 (5) "Budget officer" means the city auditor in a city of the first and second class, the  
121 mayor or some person appointed by the mayor with the approval of the city council in a city of  
122 the third, fourth, or fifth class, the mayor in the council-mayor optional form of government, or  
123 the person designated by the charter in a charter city.
- 124 (6) "Budget period" means the fiscal period for which a budget is prepared.
- 125 (7) "Check" means an order in a specific amount drawn upon a depository by an  
126 authorized officer of a city.
- 127 (8) "City general fund" means the general fund used by a city.
- 128 [~~(8)~~] (9) "Current period" means the fiscal period in which a budget is prepared and  
129 adopted, i.e., the fiscal period next preceding the budget period.
- 130 [~~(9)~~] (10) "Department" means any functional unit within a fund that carries on a  
131 specific activity, such as a fire or police department within a General Fund.
- 132 [~~(10)~~] (11) "Encumbrance system" means a method of budgetary control in which part  
133 of an appropriation is reserved to cover a specific expenditure by charging obligations, such as  
134 purchase orders, contracts, or salary commitments to an appropriation account at their time of  
135 origin. Such obligations cease to be encumbrances when paid or when the actual liability is  
136 entered on the city's books of account.
- 137 [~~(11)~~] (12) "Estimated revenue" means the amount of revenue estimated to be received  
138 from all sources during the budget period in each fund for which a budget is being prepared.
- 139 [~~(12)~~] (13) "Financial officer" means the mayor in the council-mayor optional form of  
140 government or the city official as authorized by Section 10-6-158.
- 141 [~~(13)~~] (14) "Fiscal period" means the annual or biennial period for accounting for fiscal  
142 operations in each city.
- 143 [~~(14)~~] (15) "Fund" is as defined by generally accepted accounting principles as  
144 reflected in the Uniform Accounting Manual for Utah Cities.
- 145 [~~(15)~~] (16) "Fund balance," "retained earnings," and "deficit" have the meanings  
146 commonly accorded such terms under generally accepted accounting principles as reflected in  
147 the Uniform Accounting Manual for Utah Cities.
- 148 (17) "General fund" is as defined by the Governmental Accounting Standards Board as  
149 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office

150 of the Utah State Auditor.

151 ~~[(16)]~~ (18) "Governing body" means a city council, or city commission, as the case  
 152 may be, but the authority to make any appointment to any position created by this chapter is  
 153 vested in the mayor in the council-mayor optional form of government.

154 ~~[(17)]~~ (19) "Interfund loan" means a loan of cash from one fund to another, subject to  
 155 future repayment ~~[and does not constitute an expenditure or a use of retained earnings or fund  
 156 balance of the lending fund or revenue to the borrowing fund].~~

157 ~~[(18)]~~ (20) "Last completed fiscal period" means the fiscal period next preceding the  
 158 current period.

159 ~~[(19)]~~ (21) "Public funds" means any money or payment collected or received by an  
 160 officer or employee of the city acting in an official capacity and includes money or payment to  
 161 the officer or employee for services or goods provided by the city, or the officer or employee  
 162 while acting within the scope of employment or duty. Public funds do not include money or  
 163 payments collected or received by an officer or employee of a city for charitable purposes if the  
 164 mayor or city council has consented to the officer's or employee's participation in soliciting  
 165 contributions for a charity.

166 ~~[(20)]~~ (22) "Special fund" means any fund other than the General Fund.

167 ~~[(21)]~~ (23) "Warrant" means an order drawn upon the city treasurer, in the absence of  
 168 sufficient money in the city's depository, by an authorized officer of a city for the purpose of  
 169 paying a specified amount out of the city treasury to the person named or to the bearer as  
 170 money becomes available.

171 Section 4. Section **10-6-132** is amended to read:

172 **10-6-132. Loans by one fund to another -- Acquiring bonds for investment.**

173 (1) Subject to this section, restrictions imposed by bond ordinance, ~~[statute]~~ or other  
 174 controlling regulations, the governing body of a city may ~~[(1)]~~:

175 (a) subject to the restrictions in Section [53-2a-605](#), authorize an interfund ~~[loans]~~ loan  
 176 from one fund to another ~~[at such interest rates and upon such repayment terms and conditions  
 177 as it may prescribe,];~~ and ~~[(2)]~~

178 (b) with available cash in any fund, purchase or otherwise acquire for investment an  
 179 unmatured ~~[bonds]~~ bond of the city or of any fund of the city.

180 (2) An interfund loan under Subsection (1)(a) shall be in writing and specify the terms

181 and conditions of the loan, including the:

182 (a) effective date of the loan;

183 (b) name of the fund loaning the money;

184 (c) name of the fund receiving the money;

185 (d) amount of the loan;

186 (e) subject to Subsection (3), term of and repayment schedule for the loan;

187 (f) subject to Subsection (4), interest rate of the loan;

188 (g) method of calculating interest applicable to the loan;

189 (h) procedures for:

190 (i) applying interest to the loan; and

191 (ii) paying interest on the loan; and

192 (i) other terms and conditions the governing body determines applicable.

193 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed  
194 10 years.

195 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the  
196 governing body shall apply an interest rate that reflects the rate of potential gain had the funds  
197 been deposited or invested in a comparable investment.

198 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under  
199 Subsection (2)(f):

200 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less  
201 than the rate offered by the Public Treasurers' Investment Fund that was created for public  
202 funds transferred to the state treasurer in accordance with Section [51-7-5](#); or

203 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be  
204 less than the greater of the rate offered by:

205 (A) the Public Treasurers' Investment Fund that was created for public funds  
206 transferred to the state treasurer in accordance with Section [51-7-5](#); or

207 (B) a United States Treasury note of a comparable term.

208 (5) (a) For an interfund loan under Subsection (1)(a), the governing body shall:

209 (i) hold a public hearing;

210 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the  
211 proposed terms and conditions of the interfund loan under Subsection (2);

212 (iii) provide notice of the public hearing in the same manner as required under Section  
213 10-6-113 as if the hearing were a budget hearing; and

214 (iv) authorize the interfund loan by ordinance or resolution in a public meeting.

215 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the  
216 interfund loan is included in an original budget or in a subsequent budget amendment  
217 previously approved by the governing body for the current fiscal year.

218 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan  
219 is:

220 (a) a loan from the city general fund to any other fund of the city; or

221 (b) a short term advance from the city's cash and investment pool to individual funds  
222 that are repaid by the end of the fiscal year.

223 Section 5. Section **17-36-3** is amended to read:

224 **17-36-3. Definitions.**

225 As used in this chapter:

226 (1) "Accrual basis of accounting" means a method where revenues are recorded when  
227 earned and expenditures recorded when they become liabilities notwithstanding that the receipt  
228 of the revenue or payment of the expenditure may take place in another accounting period.

229 (2) "Appropriation" means an allocation of money for a specific purpose.

230 (3) (a) "Budget" means a plan for financial operations for a fiscal period, embodying  
231 estimates for proposed expenditures for given purposes and the means of financing the  
232 expenditures.

233 (b) "Budget" may refer to the budget of a fund for which a budget is required by law, or  
234 collectively to the budgets for all those funds.

235 (4) "Budgetary fund" means a fund for which a budget is required, such as those  
236 described in Section **17-36-8**.

237 (5) "Budget officer" means:

238 (a) for a county of the second, third, fourth, fifth, or sixth class, the county auditor,  
239 county clerk, or county executive as provided in Subsection **17-19-19(1)**; or

240 (b) for a county of the first class, a person described in Section **17-19a-203**.

241 (6) "Budget period" means the fiscal period for which a budget is prepared.

242 (7) "Check" means an order in a specific amount drawn upon the depository by any

243 authorized officer in accordance with Section 17-19-3, 17-19a-301, 17-24-1, or 17-24-1.1, as  
 244 applicable.

245 (8) "County general fund" means the general fund used by a county.

246 ~~[(8)]~~ (9) "Countywide service" means a service provided in both incorporated and  
 247 unincorporated areas of a county.

248 ~~[(9)]~~ (10) "Current period" means the fiscal period in which a budget is prepared and  
 249 adopted.

250 ~~[(10)]~~ (11) "Department" means any functional unit within a fund which carries on a  
 251 specific activity.

252 ~~[(11)]~~ (12) "Encumbrance system" means a method of budgetary control where part of  
 253 an appropriation is reserved to cover a specific expenditure by charging obligations, such as  
 254 purchase orders, contracts, or salary commitments to an appropriation account. An expenditure  
 255 ceases to be an encumbrance when paid or when the actual liability is entered in the books of  
 256 account.

257 ~~[(12)]~~ (13) "Estimated revenue" means any revenue estimated to be received during the  
 258 budget period in any fund for which a budget is prepared.

259 ~~[(13)]~~ (14) "Fiscal period" means the annual or biennial period for recording county  
 260 fiscal operations.

261 ~~[(14)]~~ (15) "Fund" means an independent fiscal and accounting entity comprised of a  
 262 sum of money or other resources segregated for a specific purpose or objective.

263 ~~[(15)]~~ (16) "Fund balance" means the excess of the assets over liabilities, reserves, and  
 264 contributions, as reflected by its books of account.

265 ~~[(16)]~~ (17) "Fund deficit" means the excess of liabilities, reserves, and contributions  
 266 over its assets, as reflected by its books of account.

267 ~~[(17)]~~ (18) "General Fund" ~~[means the fund used to account for all receipts,~~  
 268 ~~disbursements, assets, liabilities, reserves, fund balances, revenues, and expenditures not~~  
 269 ~~required to be accounted for in other funds]~~ is as defined by the Governmental Accounting  
 270 Standards Board as reflected in the Uniform Accounting Manual for All Local Governments  
 271 prepared by the Office of the Utah State Auditor.

272 ~~[(18)]~~ (19) "Interfund loan" means a loan of cash from one fund to another, subject to  
 273 future repayment~~;~~ ~~but it does not constitute an expenditure or a use of retained earnings, fund~~

274 ~~balance, or unappropriated surplus of the lending fund].~~

275 ~~[(19)]~~ (20) "Last completed fiscal period" means the fiscal period next preceding the  
276 current period.

277 ~~[(20)]~~ (21) "Modified accrual basis of accounting" means a method under which  
278 expenditures other than accrued interest on general long-term debt are recorded at the time  
279 liabilities are incurred and revenues are recorded when they become measurable and available  
280 to finance expenditures of the current period.

281 ~~[(21)]~~ (22) "Municipal capital project" means the acquisition, construction, or  
282 improvement of capital assets that facilitate providing municipal service.

283 ~~[(22)]~~ (23) "Municipal service" means a service not provided on a countywide basis  
284 and not accounted for in an enterprise fund, and includes police patrol, fire protection, culinary  
285 or irrigation water retail service, water conservation, local parks, sewers, sewage treatment and  
286 disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and  
287 zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.

288 ~~[(23)]~~ (24) "Retained earnings" means that part of the net earnings retained by an  
289 enterprise or internal service fund which is not segregated or reserved for any specific purpose.

290 ~~[(24)]~~ (25) "Special fund" means any fund other than the General Fund, such as those  
291 described in Section [17-36-6](#).

292 ~~[(25)]~~ (26) "Unappropriated surplus" means that part of a fund which is not  
293 appropriated for an ensuing budget period.

294 ~~[(26)]~~ (27) "Warrant" means an order in a specific amount drawn upon the treasurer by  
295 the auditor.

296 Section 6. Section **17-36-30** is amended to read:

297 **17-36-30. Interfund loans -- Acquisition of issued unmatured bonds.**

298 ~~[The]~~ (1) Subject to this section, restrictions imposed by bond covenants, or other  
299 controlling regulations, the governing body may ~~[(1)]~~:

300 (a) subject to the restrictions in Section [53-2a-605](#), authorize an interfund ~~[loans]~~ loan  
301 from one fund to another ~~[at such interest rates and subject to such terms for repayment as it~~  
302 ~~may prescribe]~~; and ~~[may~~ (2)]

303 (b) with available cash in any fund, purchase or otherwise acquire for investment~~[-~~  
304 ~~issued]~~ an unmatured ~~[bonds]~~ bond of the county or of any county fund.

305 (2) An interfund loan under Subsection (1)(a) shall be in writing and specify the terms  
306 and conditions of the loan, including the:

307 (a) effective date of the loan;

308 (b) name of the fund loaning the money;

309 (c) name of the fund receiving the money;

310 (d) amount of the loan;

311 (e) subject to Subsection (3), term of and repayment schedule for the loan;

312 (f) subject to Subsection (4), interest rate of the loan;

313 (g) method of calculating interest applicable to the loan;

314 (h) procedures for:

315 (i) applying interest to the loan; and

316 (ii) paying interest on the loan; and

317 (i) other terms and conditions the governing body determines applicable.

318 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed  
319 10 years.

320 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the  
321 governing body shall apply an interest rate that reflects the rate of potential gain had the funds  
322 been deposited or invested in a comparable investment.

323 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under  
324 Subsection (2)(f):

325 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less  
326 than the rate offered by the Public Treasurers' Investment Fund that was created for public  
327 funds transferred to the state treasurer in accordance with Section [51-7-5](#); or

328 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be  
329 less than the greater of the rate offered by:

330 (A) the Public Treasurers' Investment Fund that was created for public funds  
331 transferred to the state treasurer in accordance with Section [51-7-5](#); or

332 (B) a United States Treasury note of a comparable term.

333 (5) (a) For an interfund loan under Subsection (1)(a), the governing body shall:

334 (i) hold a public hearing;

335 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the

336 proposed terms and conditions of the interfund loan under Subsection (2);

337 (iii) provide notice of the public hearing in the same manner as required under Section  
338 17-36-12 as if the hearing were a budget hearing; and

339 (iv) authorize the interfund loan by ordinance or resolution in a public meeting.

340 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the  
341 interfund loan is included in an original budget or in a subsequent budget amendment  
342 previously approved by the governing body for the current fiscal year.

343 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan  
344 is:

345 (a) a loan from the county general fund to any other fund of the county; or

346 (b) a short term advance from the county's cash and investment pool to individual  
347 funds that are repaid by the end of the fiscal year.

348 Section 7. Section **17B-1-601** is amended to read:

349 **17B-1-601. Definitions.**

350 As used in this part:

351 (1) "Appropriation" means an allocation of money by the board of trustees for a  
352 specific purpose.

353 (2) "Budget" means a plan of financial operations for a fiscal year which embodies  
354 estimates of proposed expenditures for given purposes and the proposed means of financing  
355 them, and may refer to the budget of a particular fund for which a budget is required by law or  
356 it may refer collectively to the budgets for all such funds.

357 (3) "Budget officer" means the person appointed by the local district board of trustees  
358 to prepare the budget for the district.

359 (4) "Budget year" means the fiscal year for which a budget is prepared.

360 (5) "Calendar year entity" means a local district whose fiscal year begins January 1 and  
361 ends December 31 of each calendar year as described in Section [17B-1-602](#).

362 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,  
363 which is the fiscal year next preceding the budget year.

364 (7) "Deficit" has the meaning given under generally accepted accounting principles as  
365 reflected in the Uniform Accounting Manual for Local Districts.

366 (8) "Estimated revenue" means the amount of revenue estimated to be received from all

367 sources during the budget year in each fund for which a budget is being prepared.

368 (9) "Financial officer" means the official under Section [17B-1-642](#).

369 (10) "Fiscal year" means the annual period for accounting for fiscal operations in each  
370 district.

371 (11) "Fiscal year entity" means a local district whose fiscal year begins July 1 of each  
372 year and ends on June 30 of the following year as described in Section [17B-1-602](#).

373 (12) "Fund" has the meaning given under generally accepted accounting principles as  
374 reflected in the Uniform Accounting Manual for Local Districts.

375 (13) "Fund balance" has the meaning given under generally accepted accounting  
376 principles as reflected in the Uniform Accounting Manual for Local Districts.

377 (14) "General fund" is as defined by the Governmental Accounting Standards Board as  
378 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office  
379 of the Utah State Auditor.

380 [~~(14)~~] (15) "Governmental funds" means the general fund, special revenue fund, debt  
381 service fund, and capital projects fund of a local district.

382 [~~(15)~~] (16) "Interfund loan" means a loan of cash from one fund to another, subject to  
383 future repayment. [~~It does not constitute an expenditure or a use of retained earnings or fund~~  
384 ~~balance of the lending fund or revenue to the borrowing fund.~~]

385 [~~(16)~~] (17) "Last completed fiscal year" means the fiscal year next preceding the  
386 current fiscal year.

387 (18) "Local district general fund" means the general fund used by a local district.

388 [~~(17)~~] (19) "Proprietary funds" means enterprise funds and the internal service funds of  
389 a local district.

390 [~~(18)~~] (20) "Public funds" means any money or payment collected or received by an  
391 officer or employee of a local district acting in an official capacity and includes money or  
392 payment to the officer or employee for services or goods provided by the district, or the officer  
393 or employee while acting within the scope of employment or duty.

394 [~~(19)~~] (21) "Retained earnings" has the meaning given under generally accepted  
395 accounting principles as reflected in the Uniform Accounting Manual for Local Districts.

396 [~~(20)~~] (22) "Special fund" means any local district fund other than the local district's  
397 general fund.

398 Section 8. Section **17B-1-626** is amended to read:

399 **17B-1-626. Loans by one fund to another.**

400 (1) Subject to this section, restrictions imposed by bond covenants, [statute,]  
401 restrictions in Section 53-2a-605, or other controlling regulations, the board of trustees of a  
402 local district may authorize an interfund [loans] loan from one fund to another [at interest rates,  
403 repayment terms, and conditions prescribed by the board of trustees].

404 (2) An interfund loan under Subsection (1) shall be in writing and specify the terms  
405 and conditions of the loan, including the:

406 (a) effective date of the loan;

407 (b) name of the fund loaning the money;

408 (c) name of the fund receiving the money;

409 (d) amount of the loan;

410 (e) subject to Subsection (3), term of and repayment schedule for the loan;

411 (f) subject to Subsection (4), interest rate of the loan;

412 (g) method of calculating interest applicable to the loan;

413 (h) procedures for:

414 (i) applying interest to the loan; and

415 (ii) paying interest on the loan; and

416 (i) other terms and conditions the board of trustees determines applicable.

417 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed  
418 10 years.

419 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the  
420 board of trustees shall apply an interest rate that reflects the rate of potential gain had the funds  
421 been deposited or invested in a comparable investment.

422 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under  
423 Subsection (2)(f):

424 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less  
425 than the rate offered by the Public Treasurers' Investment Fund that was created for public  
426 funds transferred to the state treasurer in accordance with Section 51-7-5; or

427 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be  
428 less than the greater of the rate offered by:

429 (A) the Public Treasurers' Investment Fund that was created for public funds  
 430 transferred to the state treasurer in accordance with Section 51-7-5; or  
 431 (B) a United States Treasury note of a comparable term.  
 432 (5) (a) For an interfund loan under Subsection (1), the board of trustees shall:  
 433 (i) hold a public hearing;  
 434 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the  
 435 proposed terms and conditions of the interfund loan under Subsection (2);  
 436 (iii) provide notice of the public hearing in the same manner as required under Section  
 437 17B-1-609 as if the hearing were a budget hearing; and  
 438 (iv) authorize the interfund loan by resolution in a public meeting.  
 439 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the  
 440 interfund loan is included in an original budget or in a subsequent budget amendment  
 441 previously approved by the board of trustees for the current fiscal year.  
 442 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan  
 443 is:  
 444 (a) a loan from the local district general fund to any other fund of the local district; or  
 445 (b) a short term advance from the local district's cash and investment pool to individual  
 446 funds that are repaid by the end of the fiscal year.

447 **Section 9. Coordinating H.B. 381 with S.B. 18 -- Technical amendments.**  
 448 If this H.B. 381 and S.B. 18, Local Government General Fund Amendments, both pass  
 449 and become law, the Legislature intends that the Office of Legislative Research and General  
 450 Counsel, in preparing the Utah Code database for publication, make the following changes:  
 451 (1) Section 10-5-102.5 in this H.B. 381 supersedes Section 10-5-102.5 in S.B. 18;  
 452 (2) Subsection 10-6-106(8) in this H.B. 381 supersedes Subsection 10-6-106(8) in S.B.  
 453 18;  
 454 (3) Subsection 17-36-3(8) in this H.B. 381 supersedes Subsection 17-36-3(8) in S.B.  
 455 18; and  
 456 (4) the definition of "General Fund" in Subsection 17-36-3(18) in this H.B. 381  
 457 supersedes the changes to the definition of "General Fund" in Subsection 17-36-3(17) in S.B.  
 458 18.