

1 **EMERGENCY FISCAL PROCEDURES COUNTIES**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Deidre M. Henderson**

5 House Sponsor: Craig Hall

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes a county to make certain expenditures and budgetary changes for a
10 natural disaster or fiscal emergency.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ authorizes a county to make certain expenditures for a natural disaster or fiscal
15 emergency;
- 16 ▶ authorizes a county, in certain circumstances, to make changes to an appropriation
17 in a county budget or fund and make an expenditure in excess of any budget or
18 fund;
- 19 ▶ provides for an emergency budget action to take effect immediately; and
- 20 ▶ makes technical corrections.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **17-36-27**, as last amended by Laws of Utah 2007, Chapter 328

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

30 Section 1. Section 17-36-27 is amended to read:

31 **17-36-27. Emergency expenditures -- Deficit.**

32 (1) As used in this section:

33 (a) "Fiscal emergency" means a major disruption in county operations or services
34 caused by the unforeseen and sudden significant decrease or elimination of funding from the
35 United States government or Legislature that was appropriated in the county's current budget.

36 (b) "Natural disaster" means widespread damage within a county caused by:

37 (i) an explosion;

38 (ii) fire;

39 (iii) a flood;

40 (iv) a storm;

41 (v) a tornado;

42 (vi) winds;

43 (vii) an earthquake;

44 (viii) lightning; or

45 (ix) any other adverse weather event.

46 ~~[(1) If]~~ (2) (a) Subject to Subsection (2)(b), if the governing body determines that [an]
47 a natural disaster or fiscal emergency exists, [such as widespread damage from fire, flood, or
48 earthquake,] and that the expenditure of money in excess of the general fund budget is
49 necessary[; -it] to respond to the natural disaster or fiscal emergency, the county legislative body
50 may make [such] expenditures and incur [such] deficits as reasonably necessary to meet the
51 natural disaster or fiscal emergency.

52 (b) (i) A county may not take an action in response to a natural disaster or fiscal
53 emergency in accordance with Subsection (2)(a) or (3) unless the action:

54 (A) is for the current budget year only and the current budget year is the year in which
55 the natural disaster or fiscal emergency occurs; and

56 (B) is approved by a majority of the elected members of the county legislative body.

57 (ii) If a fiscal emergency occurs, the county may take an action described in Subsection

58 (2)(a) or (3) only if the state or federal funding that was significantly decreased or eliminated
59 was:

60 (A) ongoing funding appropriated by the county to a county program or service; and

61 (B) repeatedly relied on by the county for that program or service rather than a
62 one-time or limited-time funding source.

63 (3) (a) Notwithstanding the provisions of Sections [17-36-21](#), [17-36-22](#), [17-36-23](#),
64 [17-36-24](#), and [17-36-26](#), and subject to Subsections (3)(b) and (c), the county legislative body
65 may respond to a natural disaster or fiscal emergency by:

66 (i) transferring, increasing, or decreasing an appropriation in a county budget or fund;

67 or

68 (ii) making or directing the making of an expenditure in excess of a budget or fund.

69 (b) An action by the county legislative body described in Subsection (3)(a)(i) or (ii)
70 may not result in an expenditure or change in an appropriation that exceeds the total
71 unencumbered county budget.

72 (c) If a county legislative body takes an action described in Subsection (3)(a)(i) or (ii),
73 the county legislative body shall, as soon as possible, conduct a public hearing on the action
74 and affirm the emergency action by adopting a resolution.

75 ~~[(2)]~~ (4) Except to the extent provided for in Title 53, Chapter 2a, Part 6, Disaster
76 Recovery Funding Act, the governing body of the county may not expend money in the
77 county's local fund for an emergency, if the county creates a local fund under Title 53, Chapter
78 2a, Part 6, Disaster Recovery Funding Act.