

## HB0324S01 compared with HB0324

~~{deleted text}~~ shows text that was in HB0324 but was deleted in HB0324S01.

Inserted text shows text that was not in HB0324 but was inserted into HB0324S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Bruce R. Cutler proposes the following substitute bill:

### LOCAL BUDGET HEARING NOTICE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bruce R. Cutler**

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

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#### LONG TITLE

##### General Description:

This bill requires a local government to post a required notice of a local budget hearing ~~{using social media, when}~~ on the local government's website where applicable.

##### Highlighted Provisions:

This bill:

- ▶ requires a local government to post a required notice of a local budget hearing ~~{using a social media platform that}~~ on the local ~~{governing body uses}~~ government's website where applicable; and
- ▶ makes technical and conforming changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

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None

### Utah Code Sections Affected:

#### AMENDS:

**10-5-107**, as last amended by Laws of Utah 2016, Chapter 353

**10-5-108**, as last amended by Laws of Utah 2010, Chapters 90 and 116

**10-6-113**, as last amended by Laws of Utah 2010, Chapters 90 and 116

**17-36-12**, as last amended by Laws of Utah 2010, Chapter 90

**17-36-26**, as last amended by Laws of Utah 2014, Chapter 176

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

Section 1. Section **10-5-107** is amended to read:

**10-5-107. Tentative budgets required for public inspection -- Contents --**

#### **Adoption of tentative budget.**

(1) (a) On or before the first regularly scheduled town council meeting of May, the mayor shall:

(i) in accordance with Subsection (1)(b), prepare for the ensuing year a tentative budget for each fund for which a budget is required;

(ii) make the tentative budget available for public inspection; and

(iii) submit the tentative budget to the town council.

(b) The tentative budget for each fund shall set forth in tabular form:

(i) actual revenues and expenditures in the last completed fiscal year;

(ii) estimated total revenues and expenditures for the current fiscal year; and

(iii) the mayor's estimates of revenues and expenditures for the budget year.

(2) (a) The mayor shall:

(i) estimate the amount of revenue available to serve the needs of each fund;

(ii) estimate the portion to be derived from all sources other than general property taxes; and

(iii) estimate the portion that shall be derived from general property taxes.

(b) From the estimates required by Subsection (2)(a), the mayor shall compute and disclose in the budget the lowest rate of property tax levy that will raise the required amount of revenue, calculating the levy on the latest taxable value.

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(3) A governing body may spend or transfer money deposited in an enterprise fund for a good, service, project, venture, or other purpose that is not directly related to the goods or services provided by the enterprise for which the enterprise fund was created, if the governing body:

- (a) transfers the money from the enterprise fund to another fund; and
- (b) complies with the hearing and notice requirements of Subsections (5)(a), (b), and
- (c).

(4) (a) Before the public hearing required under Section 10-5-108, the town council:  
(i) shall review, consider, and tentatively adopt the tentative budget in any regular meeting or special meeting called for that purpose; and

(ii) may amend or revise the tentative budget.

(b) At the meeting at which the town council adopts the tentative budget, the council shall establish the time and place of the public hearing required under Section 10-5-108.

(5) (a) Except as provided in Subsection (5)(d), if a town council includes in a tentative budget, or an amendment to a budget, allocations or transfers from an enterprise fund to another fund for a good, service, project, venture, or purpose other than reasonable allocations of costs between the enterprise fund and the other fund, the governing body shall:

(i) hold a public hearing;

(ii) prepare a written notice of the date, time, place, and purpose of the hearing as described in Subsection (5)(b); ~~and~~

(iii) subject to Subsection (5)(c), mail the notice to each enterprise fund customer at least seven days before the day of the hearing[-]; and

(iv) ~~if the governing body communicates through a social media platform, } publish the notice {using the social media platform} on the homepage of the website of the town or metro township, if the town or metro township has a publicly viewable website, beginning at least seven days before the hearing and until the hearing takes place.~~

(b) The purpose portion of the written notice shall identify:

(i) the enterprise fund from which money is being allocated or transferred;

(ii) the amount being allocated or transferred; and

(iii) the fund to which the money is being allocated or transferred.

(c) The town council:

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(i) may print the written notice required under Subsection (5)(a)(ii) on the enterprise fund customer's bill; and

(ii) shall include the written notice required under Subsection (5)(a)(ii) as separate notification mailed or transmitted with the enterprise fund customer's bill.

(d) A governing body is not required to repeat the notice and hearing requirements in this Subsection (5) if the funds to be allocated or transferred for the current year were previously approved by the governing body during the current year and at a public hearing that complies with the notice and hearing requirements of this Subsection (5).

Section 2. Section **10-5-108** is amended to read:

### **10-5-108. Budget hearing -- Notice -- Adjustments.**

(1) Prior to the adoption of the final budget or an amendment to a budget, a town council shall hold a public hearing to receive public comment.

(2) The town council shall provide notice of the place, purpose, and time of the public hearing by publishing notice at least seven days before the hearing:

(a) (i) at least once in a newspaper of general circulation in the town; or

(ii) if there is no newspaper of general circulation, then by posting the notice in three public places at least 48 hours ~~[prior to]~~ before the hearing; ~~[and]~~

(b) on the Utah Public Notice Website created in Section 63F-1-701[-]; and

(c) ~~{if the town council communicates through a social media platform, using the social media platform}~~ on the homepage of the website of the town or metro township, if the town or metro township has a publicly viewable website, until the hearing takes place.

(3) After the hearing, the town council, subject to Section 10-5-110, may adjust expenditures and revenues in conformity with this chapter.

Section 3. Section **10-6-113** is amended to read:

### **10-6-113. Budget -- Notice of hearing to consider adoption.**

At the meeting at which each tentative budget is adopted, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the hearing:

(1) (a) in at least one issue of a newspaper of general circulation published in the county in which the city is located; or

(b) if there is not a newspaper as described in Subsection (1)(a), ~~[then the notice~~

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required by this section may be posted] in three public places within the city; [and]

(2) on the Utah Public Notice Website created in Section 63F-1-701[-]; and

(3) ~~{if the governing body communicates through a social media platform, using the social media platform}~~on the homepage of the website of the city or metro township, if the city or metro township has a publicly viewable website, until the hearing takes place.

Section 4. Section **17-36-12** is amended to read:

### **17-36-12. Notice of budget hearing.**

(1) The governing body shall determine the time and place for the public hearing on the adoption of the budget.

(2) Notice of such hearing shall be published:

(a) (i) at least seven days before the hearing in at least one newspaper of general circulation within the county, if there is such a paper; or

(ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in three conspicuous places within the county seven days before the hearing; [and]

(b) on the Utah Public Notice Website created in Section 63F-1-701, for seven days before the hearing[-]; and

(c) ~~{if the governing body communicates through a social media platform, using the social media platform}~~on the home page of the county's website, if the county has a publicly viewable website, beginning at least seven days before the hearing and until the hearing takes place.

Section 5. Section **17-36-26** is amended to read:

### **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

(1) Before the governing body may, by resolution, increase a budget appropriation of any budgetary fund, increase the budget of the county general fund, or make an amendment to a budgetary fund or the county general fund, the governing body shall hold a public hearing giving all interested parties an opportunity to be heard.

(2) Notice of the public hearing described in Subsection (1) shall be published at least five days before the day of the hearing:

(a) (i) in at least one issue of a newspaper generally circulated in the county; or

(ii) if there is not a newspaper generally circulated in the county, the hearing may be published by posting notice in three conspicuous places within the county; [and]

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(b) on the Utah Public Notice Website created under Section 63F-1-701[-]; and

(c) on the home page of the county's website, if the ~~{governing body communicates through a social media platform, using the social media platform.~~

### Legislative Review Note

~~Office of Legislative Research and General Counsel;~~ county has a publicly viewable website, until the hearing takes place.