



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 2, 2010

Mr. Speaker:

The Political Subdivisions Committee recommends **H.B. 94**, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS, by Representative F. Hunsaker, be replaced and reports a favorable recommendation on **1st Sub. H.B. 94**, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS with the following amendments:

1. *Page 1, Line 16 through Page 2, Line 26:*

- 16 ▶ requires a town council to give public notice and hold a hearing before amending
 a
- 17 budget or allocating or transferring funds between ~~{an}~~ a utility enterprise fund
and another
- 18 fund;
- 19 ▶ requires the governing body of a city to give public notice and hold a hearing
 before
- 20 allocating or transferring funds between ~~{an}~~ a utility enterprise fund and
another fund;
- 21 ▶ requires the governing body of a county to give public notice and hold a hearing
22 before amending a budgetary fund or increasing a budget appropriation of any
23 budgetary fund;
- 24 ▶ requires the governing body of a county to give public notice and hold a hearing
25 before allocating or transferring funds between ~~{an}~~ a utility enterprise fund
and another fund;
- 26 and

2. *Page 2, Lines 33 through 36:*

- 33 AMENDS:
- 34 10-5-107, as last amended by Laws of Utah 2006, Chapter 178
- 35 10-5-108, as last amended by Laws of Utah 2009, Chapter 388

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36 {~~10-5-117, as last amended by Laws of Utah 1986, Chapter 181~~}

3. Page 3, Lines 72 through 76:

72 (4) (a) [~~If within any enterprise utility fund, allocations or transfers]~~
73 {~~If~~} **Except as provided in Subsection (4)(d), if** a town council
74 includes in a tentative budget, or an amendment to a budget, allocations or transfers from
75 {~~an~~} **a utility**
76 enterprise fund to another fund that are not reasonable allocations of costs between [~~funds~~
are
77 ~~included in a tentative budget,~~] the **utility** enterprise fund and the other fund, the
governing body
78 shall:

4. Page 3, Lines 80 through 87:

80 (iii) subject to Subsection (4)(c), mail the notice to each **utility** enterprise fund
customer at
81 least seven days before the day of the hearing.
82 (b) The purpose portion of the written notice shall identify:
83 (i) the **utility** enterprise [~~utility~~] fund from which money is being allocated or
transferred;
84 (ii) the amount being allocated or transferred; and
85 (iii) the fund to which the money is being allocated or transferred.
86 (c) The town council:
87 (i) may print the written notice required under Subsection (4)(a)(ii) on the
utility enterprise

5. Page 3, Line 82 through Page 4, Line 88:

82 (b) The purpose portion of the written notice shall identify:
83 (i) the **utility** enterprise [~~utility~~] fund from which money is being allocated or
transferred;
84 (ii) the amount being allocated or transferred; and
85 (iii) the fund to which the money is being allocated or transferred.

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86 (c) The town council:
87 (i) may print the written notice required under Subsection (4)(a)(ii) on the
88 utility enterprise
fund customer's bill; and

6. *Page 4, Lines 89 through 90:*

89 (ii) shall include the written notice required under Subsection (4)(a)(ii) as separate
90 notification mailed or transmitted with the utility enterprise fund customer's bill.

(d) The notice and hearing requirements in this Subsection (4) are not required for an allocation or a transfer included in an original budget or in a subsequent budget amendment previously approved by the town council for the current fiscal year.

7. *Page 4, Lines 104 through 109:*

104 { Section 3. Section 10-5-117 is amended to read:
105 —10-5-117. Increasing budget total of fund.
106 —[Except for enterprise funds, which may be increased without a public hearing,
107 the] A
107 town council may not increase the budget total of one or more funds or enterprise
108 funds unless
108 the town council [may increase the budget total of one or more of these funds by
109 following]
109 follows the procedures set forth in Section 10-5-108.}

8. *Page 6, Lines 168 through 170:*

168 (e) (i) { **H** } **Except as provided in Subsection (3)(e)(iv), if** the governing
169 body includes in a tentative budget or an amendment to a budget
169 allocations or transfers from { **an** } **a utility** enterprise fund to another fund that
170 are not reasonable
170 allocations of costs between [funds are included in a tentative budget,] the utility
enterprise fund and

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9. Page 6, Line 175:

175 (C) subject to Subsection (3)(e)(iii), mail the written notice to each
utility enterprise fund

10. Page 6, Line 179:

179 (A) the utility enterprise [utility] fund from which money is being transferred;

11. Page 7, Line 183:

183 (A) may print the written notice required under Subsection (3)(e)(i) on the
utility enterprise

12. Page 7, Lines 185 through 186:

185 (B) shall include the written notice required under Subsection (3)(e)(i) as a separate
186 notification mailed or transmitted with the utility enterprise fund customer's bill.
(iv) The notice and hearing requirements in this Subsection (3)(e) are not
required for an allocation or a transfer included in an original budget or in a
subsequent budget amendment previously approved by the governing body for the
current fiscal year. =

13. Page 9, Lines 266 through 268:

266 (e)(i) ~~{if}~~ Except as provided in Subsection (3)(e)(iv), if a governing
body includes in a tentative budget, or an amendment to a budget,
267 allocations or transfers between ~~{an}~~ a utility enterprise fund and another fund
that are not reasonable
268 allocations of costs between [funds are included in a tentative budget;] the
utility enterprise fund and

14. Page 9, Line 273:

273 (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise
fund customer at

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15. Page 10, Line 277:

277 (A) the utility enterprise [~~utility~~] fund from which money is being transferred;

16. Page 10, Line 281:

281 (A) may print the written notice required under Subsection (3)(e)(i) on the
utility enterprise

17. Page 10, Lines 283 through 284:

283 (B) shall include the written notice required under Subsection (3)(e)(i) as a separate
284 notification mailed or transmitted with the utility enterprise fund customer's bill.

(iv) The notice and hearing requirements in this Subsection (3)(e) are not
required for an allocation or a transfer included in an original budget or in a
subsequent budget amendment previously approved by the governing body for the
current fiscal year. =

Respectfully,

Fred R Hunsaker
Committee Chair

Voting: 9-0-3

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