

COUNTY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill amends provisions related to county funds.

Highlighted Provisions:

This bill:

- ▶ enacts Title 17, Chapter 19a, County Auditor, including:
 - enacts general provisions;
 - enacts provisions related to a county auditor's powers and duties;
 - enacts provisions related to payments and warrants; and
 - enacts provisions related to an investigation conducted by a county auditor;
- ▶ amends provisions related to the preparation of a tentative county budget;
- ▶ amends provisions related to the adoption of a county budget;
- ▶ amends provisions related to a purchase or encumbrance by a purchasing agent;
- ▶ amends provisions related to the county adoption of a financial administration ordinance;
- ▶ enacts provisions related to a county auditor's review, investigation, and payment of a claim against a county;
- ▶ amends provisions related to a county legislative body's authority to examine and audit certain accounts;
- ▶ amends provisions related to a county executive's authority to examine and audit certain accounts;
- ▶ provides a repeal date for certain provisions; and
- ▶ makes technical corrections.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides an immediate effective date.

34 This bill provides revisor instructions.

35 **Utah Code Sections Affected:**

36 **AMENDS:**

37 **17-8-7**, as last amended by Laws of Utah 2011, Chapter 297

38 **17-19-3**, as last amended by Laws of Utah 2001, Chapter 241

39 **17-24-1**, as last amended by Laws of Utah 2005, Chapter 105

40 **17-24-4**, as last amended by Laws of Utah 2001, Chapter 241

41 **17-36-3**, as last amended by Laws of Utah 2001, Chapter 241

42 **17-36-9**, as last amended by Laws of Utah 2007, Chapter 329

43 **17-36-10**, as last amended by Laws of Utah 2011, Chapter 297

44 **17-36-11**, as last amended by Laws of Utah 1979, Chapter 62

45 **17-36-15**, as last amended by Laws of Utah 1999, Chapters 230 and 300

46 **17-36-20**, as enacted by Laws of Utah 1975, Chapter 22

47 **17-36-32**, as last amended by Laws of Utah 2010, Chapter 116

48 **17-36-43**, as last amended by Laws of Utah 1993, Chapter 227

49 **17-36-44**, as last amended by Laws of Utah 1994, Chapter 146

50 **17-50-401**, as last amended by Laws of Utah 2008, Chapter 382

51 **17-52-101**, as last amended by Laws of Utah 2009, Chapter 388

52 **17-52-401**, as last amended by Laws of Utah 2011, Chapter 297

53 **17-52-403**, as last amended by Laws of Utah 2008, Chapter 360

54 **17-53-212**, as renumbered and amended by Laws of Utah 2000, Chapter 133

55 **17-53-303**, as enacted by Laws of Utah 2000, Chapter 133

56 **20A-7-101**, as last amended by Laws of Utah 2011, Chapters 17 and 331

57 **63I-2-217**, as enacted by Laws of Utah 2008, Chapter 290

- 58 **63I-2-220**, as last amended by Laws of Utah 2011, Chapter 291
- 59 **63I-2-277**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 60 **77-32-304.5**, as last amended by Laws of Utah 2006, Chapter 49

61 ENACTS:

- 62 **17-19-30**, Utah Code Annotated 1953
- 63 **17-19a-101**, Utah Code Annotated 1953
- 64 **17-19a-102**, Utah Code Annotated 1953
- 65 **17-19a-201**, Utah Code Annotated 1953
- 66 **17-19a-202**, Utah Code Annotated 1953
- 67 **17-19a-203**, Utah Code Annotated 1953
- 68 **17-19a-204**, Utah Code Annotated 1953
- 69 **17-19a-205**, Utah Code Annotated 1953
- 70 **17-19a-206**, Utah Code Annotated 1953
- 71 **17-19a-207**, Utah Code Annotated 1953
- 72 **17-19a-208**, Utah Code Annotated 1953
- 73 **17-19a-301**, Utah Code Annotated 1953
- 74 **17-19a-401**, Utah Code Annotated 1953
- 75 **17-36-10.1**, Utah Code Annotated 1953
- 76 **17-36-11.1**, Utah Code Annotated 1953
- 77 **17-36-15.1**, Utah Code Annotated 1953
- 78 **17-36-20.1**, Utah Code Annotated 1953
- 79 **17-36-43.1**, Utah Code Annotated 1953
- 80 **17-50-401.1**, Utah Code Annotated 1953
- 81 **17-52-401.1**, Utah Code Annotated 1953



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

84 Section 1. Section **17-8-7** is amended to read:

85 **17-8-7. Declaration of drought emergency -- Appropriation -- Tax levy.**

86 (1) The county legislative body of each county may at any regular meeting or at a
87 special meeting called for such purpose, declare that an emergency drought exists in said
88 county; and thereupon may appropriate from the money not otherwise appropriated in the
89 county general fund such funds as shall be necessary for the gathering of information upon, and
90 aiding in any program for increased precipitation within said county or in conjunction with any
91 other county or counties, or that if there are not sufficient funds available in the county general
92 fund for such purpose, the county legislative body may, during any such emergency so declared
93 by them, assess, levy, and direct the county to collect annually to aid in any program of
94 increased precipitation.

95 (2) The provisions of Sections 17-19-1 to 17-19-28 and Chapter 19a, County Auditor,
96 as applicable, relating to budgeting do not apply to appropriations necessitated by such an
97 emergency.

98 Section 2. Section **17-19-3** is amended to read:

99 **17-19-3. Payments -- Notification.**

100 (1) (a) Subject to Subsection (1)(b), each claim incurred by the county and legally
101 examined and allowed and ordered paid by the county executive shall, if approved by the
102 county auditor as to the availability of funds as provided in Section 17-19-1, be paid by:

103 (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled
104 to payment; or

105 (ii) a county check or such other payment mechanism as may be adopted pursuant to
106 Chapter 36, Uniform Fiscal Procedures Act for Counties.

107 (b) No claim may be paid until:

108 (i) the auditor:

109 (A) receives from the county executive the certified list mentioned in Subsection
110 17-20-1.7(4); and

111 (B) makes a recommendation regarding payment as provided in Section 17-50-401 or
112 Section 17-50-401.1, as applicable; and

113 (ii) the county executive approves payment of the claim in accordance with the

114 standards and procedures of Section 17-50-401 or Section 17-50-401.1, as applicable.

115 (2) Each debt and demand against the county, when the amount is fixed by law and not
116 directed to be audited by some other person or tribunal, shall be paid by either:

117 (a) a warrant drawn by the auditor on the county treasurer; or

118 (b) a check or such other payment mechanism as may be adopted pursuant to Chapter
119 36, Uniform Fiscal Procedures Act for Counties.

120 (3) (a) The auditor shall distinctly specify on each warrant the liability for which it is
121 made and when the liability accrued. The auditor shall also notify the treasurer of the date,
122 amount, and payee of and number assigned to each warrant issued and the aggregate amount of
123 all contemporaneous payments by warrant.

124 (b) The auditor shall notify the treasurer and the county executive of the amount and
125 payee of all payments to be made by check or other payment mechanism and, if the auditor
126 issues the check or other payment mechanism, the date of and number assigned to each check
127 or other payment mechanism and the aggregate amount of all such contemporaneous payments.

128 Section 3. Section **17-19-30** is enacted to read:

129 **17-19-30. Scope.**

130 The provisions of this chapter do not apply to a county of the first class.

131 Section 4. Section **17-19a-101** is enacted to read:

132 **CHAPTER 19a. COUNTY AUDITOR**

133 **Part 1. General Provisions**

134 **17-19a-101. Title and scope.**

135 (1) This chapter is known as "County Auditor."

136 (2) (a) This chapter applies to a county of the first class.

137 (b) (i) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
138 sixth class is not subject to the provisions of this chapter; and

139 (ii) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
140 is subject to the provisions of this chapter.

141 Section 5. Section **17-19a-102** is enacted to read:

142 **17-19a-102. Definitions.**

143 (1) "Account" or "accounting" means:

144 (a) the systematic recording, classification, or summarizing of a financial transaction or
145 event; and146 (b) the interpretation or presentation of the result of an action described in Subsection
147 (1)(a).148 (2) "Audit" or "auditing" means an examination that is a formal analysis of a county
149 account or county financial record:150 (a) to verify accuracy, completeness, or compliance with an internal control;151 (b) to give a fair presentation of a county's financial status; and152 (c) that conforms to the uniform classification of accounts established by the state
153 auditor.

154 (3) "Book" means a financial record of the county, regardless of a record's format.

155 (4) (a) "Budget" or "budgeting" means a process or activity conducted by the budget
156 officer related to the preparation or presentation of a proposed or tentative budget as provided
157 in Chapter 36, Uniform Fiscal Procedures Act for Counties.

158 (b) "Budget" or "budgeting" includes:

159 (i) a revenue projection;160 (ii) a budget request compilation; or161 (iii) the performance of an activity described in Subsection (4)(b)(i) or (ii).

162 (5) "Budget officer" means a person described in Section 17-19a-203.

163 (6) (a) "Claim" means under the color of law:164 (i) a demand presented for money or damages; or165 (ii) a cause of action presented for money or damages.166 (b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill,
167 purchase, or payroll.168 (7) "Performance audit" means a review and audit as described in Subsection169 17-19a-206(3) of a county program, county operation, county management system, or county

170 agency to:

171 (a) review procedures, activities, or policies; and

172 (b) determine whether the county is achieving the best levels of economy, efficiency,
173 effectiveness, and compliance.

174 Section 6. Section **17-19a-201** is enacted to read:

175 **Part 2. Powers and Duties**

176 **17-19a-201. Seal.**

177 (1) The county legislative body shall furnish the auditor a seal in accordance with
178 Subsection (2).

179 (2) The seal shall contain or be impressed with:

180 (a) the name of the county; and

181 (b) "State of Utah, County Auditor."

182 Section 7. Section **17-19a-202** is enacted to read:

183 **17-19a-202. General duties.**

184 A county auditor shall perform:

185 (1) in accordance with Section 17-19a-205, an accounting duty or service described in
186 this chapter or otherwise required by law;

187 (2) an auditing duty or service described in this chapter or otherwise required by law;

188 and

189 (3) other duties as may be required by law.

190 Section 8. Section **17-19a-203** is enacted to read:

191 **17-19a-203. Budget officer.**

192 The budget officer of a county is designated by:

193 (1) in a county commission form of government described in Section 17-52-501 or an
194 expanded county commission form of government described in Section 17-52-502, the county
195 commission;

196 (2) in the county executive-council form of government described in Section
197 17-52-504, the county executive; or

198 (3) in the council-manager form of government described in Section 17-52-505, the
199 county council.

200 Section 9. Section **17-19a-204** is enacted to read:

201 **17-19a-204. Auditing services.**

202 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), a county
203 auditor is authorized to audit the financial records and accounts of a:

204 (i) county office;

205 (ii) county department;

206 (iii) county division;

207 (iv) county justice court; or

208 (v) any other county entity.

209 (b) The county auditor may not audit the auditor's own office, including any of the
210 county auditor's financial records or accounts.

211 (2) The county auditor shall perform an audit:

212 (a) as needed, as defined by good management practices and the standards of the
213 profession; and

214 (b) based on the auditor's professional judgement, taking into account considerations
215 related to risk and materiality.

216 (3) Nothing in this section may be construed to affect a county legislative body's
217 authority under Section 17-53-212 or a county executive's authority under Section 17-53-303.

218 Section 10. Section **17-19a-205** is enacted to read:

219 **17-19a-205. Accounting services.**

220 (1) Except as provided in Subsection (2), the county auditor shall provide accounting
221 services for the county as established by ordinance.

222 (2) The county legislative body may, by ordinance, delegate an accounting service
223 provided for or executed on behalf of the entire county:

224 (a) to the county executive; or

225 (b) to an office's or department's officer or director.

226 (3) If a county legislative body delegates an accounting service in accordance with
227 Subsection (2), the legislative body shall make the delegation:

228 (a) in accordance with good management practice to foster effectiveness, efficiency,
229 and the adequate protection of a county asset; and

230 (b) by considering appropriate checks and balances within county government.

231 Section 11. Section **17-19a-206** is enacted to read:

232 **17-19a-206. Performance audit services.**

233 (1) (a) A county auditor shall, under the direction and supervision of the county
234 legislative body or county executive and subject to Subsections (1)(b) and (2), provide
235 performance audit services for a county office, department, division, or other county entity.

236 (b) A county auditor may not conduct a performance audit of the auditor's own office.

237 (2) The county legislative body or county executive shall establish the goals and nature
238 of a performance audit and related services.

239 (3) A performance audit conducted in accordance with this section may include a
240 review and audit of the following:

241 (a) the honesty and integrity of financial and other affairs;

242 (b) the accuracy and reliability of financial and management reports;

243 (c) the adequacy of financial controls to safeguard public funds;

244 (d) the management and staff adherence to statute, ordinance, policies, and legislative
245 intent;

246 (e) the economy, efficiency, and effectiveness of operational performance;

247 (f) the accomplishment of intended objectives; and

248 (g) whether management, financial, and information systems are adequate and
249 effective.

250 Section 12. Section **17-19a-207** is enacted to read:

251 **17-19a-207. Management of financial records -- Disposal of records.**

252 (1) A county auditor shall:

253 (a) maintain the books of the county in such a manner as will show the amount of

254 receipts from and disbursement of a county office, department, division, or other county entity;

255 (b) keep accounts current with the county treasurer;

256 (c) preserve a document, book, record, or paper that the county legislative body

257 requires the auditor to keep in the auditor's office; and

258 (d) make an item described in Subsection (1)(c) available for public inspection during

259 office hours.

260 (2) The county auditor shall, in accordance with Title 63G, Chapter 2, Government

261 Records Access and Management Act, remove from the auditor's files and destroy or otherwise

262 dispose of:

263 (a) fee statements of a county officer;

264 (b) county warrants; and

265 (c) claims against the county.

266 Section 13. Section **17-19a-208** is enacted to read:

267 **17-19a-208. Reporting -- State treasurer -- County legislative body.**

268 (1) On or before the last day of each month, the county auditor shall submit a report to

269 the state treasurer regarding the collection, care, and disbursement of state money by the county

270 during the preceding month.

271 (2) The county auditor and the county treasurer shall, as required by the county

272 legislative body, make a joint report to the county executive and the county legislative body

273 accounting for the financial condition of the county.

274 Section 14. Section **17-19a-301** is enacted to read:

275 **Part 3. Payments and Warrants**

276 **17-19a-301. Payments and warrants.**

277 (1) (a) Subject to Subsection (1)(b), if a debt or demand against a county is fixed by

278 law, the debt or demand shall be paid by:

279 (i) subject to Subsection (2)(a), a warrant drawn by the county auditor or the county

280 treasurer; or

281 (ii) subject to Subsection (2)(b), a check or other payment mechanism as may be

282 adopted in accordance with Chapter 36, Uniform Fiscal Procedures Act for Counties.
283 (b) Subsection (1)(a) does not apply to a debt or demand against the county that is, in
284 accordance with law, audited by another person or tribunal.
285 (2) (a) The county auditor shall:
286 (i) distinctly specify on a warrant the liability for which the warrant is made and when
287 the liability accrued; and
288 (ii) notify the county treasurer:
289 (A) as described in Subsection (3)(b), of the date, amount, payee of, and number
290 assigned to a warrant; and
291 (B) of the aggregate amount of all contemporaneous payments by warrant.
292 (b) The county auditor shall notify the county treasurer and county executive:
293 (i) as described in Subsection (3)(b), of the amount and payee of all payments made by
294 check or other payment mechanism;
295 (ii) as described in Subsection (3)(b), the date of and number assigned to a check or
296 other payment mechanism; and
297 (iii) the aggregate amount of a contemporaneous payment.
298 (3) (a) As used in this Subsection (3), "remuneration" means a warrant, check, or other
299 payment mechanism.
300 (b) For a remuneration issued by the county auditor, the auditor shall:
301 (i) number each remuneration consecutively, commencing annually on the first day of
302 January; and
303 (ii) state on the remuneration:
304 (A) the number of the remuneration;
305 (B) the date of payment;
306 (C) the amount of the payment made;
307 (D) the name of the person to whom payable; and
308 (E) the purpose for which the remuneration was made.
309 (4) The county auditor shall dispose of a payment not presented for collection in

310 accordance with Title 67, Chapter 4a, Unclaimed Property Act.

311 (5) The county legislative body may delegate by ordinance the processing of payments
312 and warrants in accordance with Section 17-19a-205.

313 Section 15. Section **17-19a-401** is enacted to read:

314 **Part 4. Investigations**

315 **17-19a-401. County auditor investigative powers -- Report of findings.**

316 (1) (a) A county auditor:

317 (i) may conduct an investigation of an issue or action associated with or related to the
318 auditor's statutory duties, including investigating a book or account of a county officer, county
319 office, or other county entity; and

320 (ii) may not conduct an investigation of an issue or action that is not associated with or
321 related to the auditor's statutory duties.

322 (b) A county officer, employee, or other county administrative entity shall grant the
323 county auditor complete and free access to a book requested by the county auditor in
324 accordance with Subsection (1)(a)(i).

325 (c) A county auditor, with the assistance of the county or district attorney, may:

326 (i) administer an oath or affirmation; or

327 (ii) issue an administrative subpoena for a witness or document necessary to the
328 performance of the auditor's statutory duties.

329 (2) If the county auditor, after a complete investigation, finds that a book or account of
330 a county officer, office, or other county administrative entity is not kept in accordance to law,
331 or that an officer, office, or other county administrative entity has made an incorrect or
332 improper financial report, the county auditor shall prepare a report of the auditor's findings and
333 submit a copy of the report to the county executive.

334 (3) If a county auditor, after a complete investigation, finds that a justice court judge
335 has not kept a book or account according to law, or that the justice court judge has made an
336 incorrect or improper financial report, the auditor shall prepare a report of the auditor's findings
337 and submit a copy of the report to the state court administrator, the county executive, and the

338 county legislative body.

339 Section 16. Section **17-24-1** is amended to read:

340 **17-24-1. General duties of treasurer.**

341 The county treasurer shall:

342 (1) receive all money belonging to the county and all other money by law directed to be
343 paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness
344 issued under Title 11, Chapter 14, Local Government Bonding Act;

345 (2) deposit and invest all money received under Title 51, Chapter 7, State Money
346 Management Act;

347 (3) keep a record of the receipts and expenditures of all such money;

348 (4) disburse county money:

349 (a) on a county warrant issued by the county auditor; or

350 (b) subject to, as applicable, Sections 17-19-1, 17-19-3, and 17-19-5 or Section
351 17-19a-301, by a county check or such other payment mechanism as may be adopted pursuant
352 to Chapter 36, Uniform Fiscal Procedures Act for Counties;

353 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
354 Collection of Taxes;

355 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
356 been reassigned to the treasurer in an ordinance adopted under Section 17-16-5.5; and

357 (7) perform other duties that are required by law or ordinance.

358 Section 17. Section **17-24-4** is amended to read:

359 **17-24-4. Payment of warrants, checks, or other instruments.**

360 (1) When a warrant is presented for payment and there is money in the treasury, the
361 treasurer shall pay it.

362 (2) Upon receiving the notice from the county auditor under, as applicable, Subsection
363 17-19-3(3)(b) or Section 17-19a-301 and if there is adequate money in the treasury, the
364 treasurer shall, by check or other payment mechanism, make any payment not already paid by
365 warrant.

366 (3) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any
367 warrant or to issue any check or other payment instrument before receiving the certified list
368 under Subsection 17-20-1.7(4).

369 Section 18. Section **17-36-3** is amended to read:

370 **17-36-3. Definitions.**

371 As used in this chapter:

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

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

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

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

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

383 (5) "Budget officer" means:

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

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

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

388 (7) "Check" means an order in a specific amount drawn upon the depository by any
389 authorized officer in accordance with Section 17-19-3 [~~or~~], 17-19a-301, 17-24-1, or 17-24-1.1,
390 as applicable.

391 (8) "Countywide service" means a service provided in both incorporated and
392 unincorporated areas of a county.

393 (9) "Current period" means the fiscal period in which a budget is prepared and adopted.

394 (10) "Department" means any functional unit within a fund which carries on a specific
395 activity.

396 (11) "Encumbrance system" means a method of budgetary control where part of an
397 appropriation is reserved to cover a specific expenditure by charging obligations, such as
398 purchase orders, contracts, or salary commitments to an appropriation account. An expenditure
399 ceases to be an encumbrance when paid or when the actual liability is entered in the books of
400 account.

401 (12) "Estimated revenue" means any revenue estimated to be received during the
402 budget period in any fund for which a budget is prepared.

403 (13) "Fiscal period" means the annual or biennial period for recording county fiscal
404 operations.

405 (14) "Fund" means an independent fiscal and accounting entity comprised of a sum of
406 money or other resources segregated for a specific purpose or objective.

407 (15) "Fund balance" means the excess of the assets over liabilities, reserves, and
408 contributions, as reflected by its books of account.

409 (16) "Fund deficit" means the excess of liabilities, reserves, and contributions over its
410 assets, as reflected by its books of account.

411 (17) "General Fund" means the fund used to account for all receipts, disbursements,
412 assets, liabilities, reserves, fund balances, revenues, and expenditures not required to be
413 accounted for in other funds.

414 (18) "Interfund loan" means a loan of cash from one fund to another, subject to future
415 repayment; but it does not constitute an expenditure or a use of retained earnings, fund balance,
416 or unappropriated surplus of the lending fund.

417 (19) "Last completed fiscal period" means the fiscal period next preceding the current
418 period.

419 (20) "Modified accrual basis of accounting" means a method under which expenditures
420 other than accrued interest on general long-term debt are recorded at the time liabilities are
421 incurred and revenues are recorded when they become measurable and available to finance

422 expenditures of the current period.

423 (21) "Municipal capital project" means the acquisition, construction, or improvement
424 of capital assets that facilitate providing municipal service.

425 (22) "Municipal service" means a service not provided on a countywide basis and not
426 accounted for in an enterprise fund, and includes police patrol, fire protection, culinary or
427 irrigation water retail service, water conservation, local parks, sewers, sewage treatment and
428 disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and
429 zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.

430 (23) "Retained earnings" means that part of the net earnings retained by an enterprise
431 or internal service fund which is not segregated or reserved for any specific purpose.

432 (24) "Special fund" means any fund other than the General Fund, such as those
433 described in Section 17-36-6.

434 (25) "Unappropriated surplus" means that part of a fund which is not appropriated for
435 an ensuing budget period.

436 (26) "Warrant" means an order in a specific amount drawn upon the treasurer by the
437 auditor.

438 Section 19. Section **17-36-9** is amended to read:

439 **17-36-9. Budget -- Financial plan -- Contents -- Municipal services and capital**
440 **projects funds.**

441 (1) (a) The budget for each fund shall provide a complete financial plan for the budget
442 period and shall contain in tabular form classified by the account titles as required by the
443 uniform system of budgeting, accounting, and reporting:

- 444 (i) estimates of all anticipated revenues;
- 445 (ii) all appropriations for expenditures; and
- 446 (iii) any additional data required by Section 17-36-10 or 17-36-10.1, as applicable, or
447 by the uniform system of budgeting, accounting, and reporting.

448 (b) The total of appropriated expenditures shall be equal to the total of anticipated
449 revenues.

450 (2) (a) Each first-, second-, and third-class county that provides municipal-type
451 services under Section 17-34-1 shall:

452 (i) establish a special revenue fund, "Municipal Services Fund," and a capital projects
453 fund, "Municipal Capital Projects Fund," or establish a local district or special service district
454 to provide municipal services; and

455 (ii) budget appropriations for municipal services and municipal capital projects from
456 these funds.

457 (b) The Municipal Services Fund is subject to the same budgetary requirements as the
458 county's general fund.

459 (c) (i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue
460 derived from any taxes otherwise authorized by law, income derived from the investment of
461 money contained within the municipal services fund and the municipal capital projects fund,
462 the appropriate portion of federal money, and fees collected into a municipal services fund and
463 a municipal capital projects fund.

464 (ii) The county may not deposit revenue derived from a fee, tax, or other source based
465 upon a countywide assessment or from a countywide service or function into a municipal
466 services fund or a municipal capital projects fund.

467 (d) The maximum accumulated unappropriated surplus in the municipal services fund,
468 as determined prior to adoption of the tentative budget, may not exceed an amount equal to the
469 total estimated revenues of the current fiscal period.

470 Section 20. Section **17-36-10** is amended to read:

471 **17-36-10. Preparation of tentative budget.**

472 (1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
473 sixth class is not subject to the provisions of this section; and

474 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
475 is subject to the provisions of this section.

476 [(+)] (2) On or before the first day of the next to last month of every fiscal period, the
477 budget officer shall prepare for the next budget period and file with the governing body a

478 tentative budget for each fund for which a budget is required.

479 (3) (a) A department for which county funds are appropriated shall file with the budget
480 officer not less than three months before the commencement of each fiscal year on forms
481 furnished by the budget officer a detailed estimate and statement of the revenue and necessary
482 expenditures of the department for the next budget year.

483 (b) The estimate and statement described in Subsection (3)(a) shall set forth:

484 (i) the number of persons to be regularly employed;

485 (ii) the kinds of service the department will perform;

486 (iii) the salaries and wages the department expects to pay;

487 (iv) the kind of work the department will perform and the improvements the
488 department expects to make; and

489 (v) the estimated cost of the service, work, and improvements.

490 (c) The statement shall also record performance data expressed in work units, unit
491 costs, man hours, and man years sufficient in detail, content, and scope to permit the budget
492 officer to prepare and process the county budget.

493 (4) In the preparation of the budget, the budget officer and all other county officers are
494 subject to Sections 17-36-1 through 17-36-44 and to the uniform system of budgeting,
495 accounting, and reporting established therein.

496 [~~2~~ ~~The~~] (5) In the tentative budget, the budget officer shall set forth in tabular form:

497 (a) actual revenues and expenditures in the last completed fiscal period;

498 (b) estimated total revenues and expenditures for the current fiscal period;

499 (c) the estimated available revenues and expenditures for the ensuing budget period
500 computed by determining:

501 (i) the estimated expenditure for each fund after review of each departmental budget
502 request;

503 (ii) (A) the total revenue requirements of the fund;

504 (B) the part of the total revenue that will be derived from revenue sources other than
505 property tax; and

506 (C) the part of the total revenue that shall be derived from property taxes; and
507 (d) if required by the governing body, actual performance experience to the extent
508 available in work units, unit costs, man hours, and man years for each budgeted fund that
509 includes an appropriation for salaries or wages for the last completed fiscal period and the first
510 eight months of the current fiscal period if the county is on an annual fiscal period, or the first
511 20 months of the current fiscal period if the county is on a biennial fiscal period, together with
512 the total estimated performance data of like character for the current fiscal period and for the
513 ensuing budget period.

514 ~~[(3)]~~ (6) The budget officer may recommend modification of any departmental budget
515 request under Subsection ~~[(2)]~~ (5)(c)(i) before it is filed with the governing body, if each
516 department head has been given an opportunity to be heard concerning the modification.

517 ~~[(4) Each]~~ (7) (a) A tentative budget shall contain the estimates of expenditures
518 submitted by any department together with specific work programs and other supportive data as
519 the governing body requests. ~~[The]~~

520 (b) The budget officer shall include with the tentative budget ~~[shall be accompanied]~~
521 by a supplementary estimate of all capital projects or planned capital projects within the budget
522 period and within the next three succeeding years.

523 ~~[(5)(a) Each]~~ (8) (a) A budget officer that submits a tentative budget ~~[submitted]~~ in a
524 county with a population in excess of 25,000 determined ~~[pursuant to]~~ in accordance with
525 Section 17-36-4 shall ~~[be accompanied by]~~ include with the tentative budget a budget message
526 in explanation of the budget.

527 (b) The budget message shall contain an outline of the proposed financial policies of
528 the county for the budget period and describe the important features of the budgetary plan. It
529 shall also state the reasons for changes from the previous fiscal period in appropriation and
530 revenue items and explain any major changes in financial policy.

531 (c) A budget message for counties with a population of less than 25,000 is
532 recommended but not incumbent upon the budget officer.

533 ~~[(6) The]~~ (9) (a) The governing body shall review, consider, and adopt a tentative

534 budget [~~shall be reviewed, considered, and tentatively adopted by the governing body~~] in a
535 regular or special meeting called for that purpose. [~~It may thereafter be amended or revised by~~
536 ~~the governing body prior to public hearings thereon, except that no~~]

537 (b) (i) Subject to Subsection (9)(b)(ii), the governing body may thereafter amend or
538 revise the tentative budget prior to public hearings on the tentative budget.

539 (ii) A governing body may not:

540 (A) reduce below the required minimum an appropriation required for debt retirement
541 and interest; or [reduction, pursuant to Section 17-36-17, of any deficits which exist may be
542 reduced below the required minimum.]

543 (B) reduce, in accordance with Section 17-36-17, an existing deficit.

544 Section 21. Section **17-36-10.1** is enacted to read:

545 **17-36-10.1. Preparation of tentative budget.**

546 (1) This section does not apply to a county of the first class.

547 (2) On or before the first day of the next to last month of every fiscal period, the budget
548 officer shall prepare for the next budget period and file with the governing body a tentative
549 budget for each fund for which a budget is required.

550 (3) The tentative budget shall set forth in tabular form:

551 (a) actual revenues and expenditures in the last completed fiscal period;

552 (b) estimated total revenues and expenditures for the current fiscal period;

553 (c) the estimated available revenues and expenditures for the ensuing budget period
554 computed by determining:

555 (i) the estimated expenditure for each fund after review of each departmental budget
556 request;

557 (ii) (A) the total revenue requirements of the fund;

558 (B) the part of the total revenue that will be derived from revenue sources other than
559 property tax; and

560 (C) the part of the total revenue that shall be derived from property taxes; and

561 (d) if required by the governing body, actual performance experience to the extent

562 available in work units, unit costs, man hours, and man years for each budgeted fund that
563 includes an appropriation for salaries or wages for the last completed fiscal period and the first
564 eight months of the current fiscal period if the county is on an annual fiscal period, or the first
565 20 months of the current fiscal period if the county is on a biennial fiscal period, together with
566 the total estimated performance data of like character for the current fiscal period and for the
567 ensuing budget period.

568 (4) The budget officer may recommend modification of any departmental budget
569 request under Subsection (3)(c)(i) before it is filed with the governing body, if each department
570 head has been given an opportunity to be heard concerning the modification.

571 (5) Each tentative budget shall contain the estimates of expenditures submitted by any
572 department together with specific work programs and other supportive data as the governing
573 body requests. The tentative budget shall be accompanied by a supplementary estimate of all
574 capital projects or planned capital projects within the budget period and within the next three
575 succeeding years.

576 (6) (a) Each tentative budget submitted in a county with a population in excess of
577 25,000 determined pursuant to Section 17-36-4 shall be accompanied by a budget message in
578 explanation of the budget.

579 (b) The budget message shall contain an outline of the proposed financial policies of
580 the county for the budget period and describe the important features of the budgetary plan. It
581 shall also state the reasons for changes from the previous fiscal period in appropriation and
582 revenue items and explain any major changes in financial policy.

583 (c) A budget message for counties with a population of less than 25,000 is
584 recommended but not incumbent upon the budget officer.

585 (7) The tentative budget shall be reviewed, considered, and tentatively adopted by the
586 governing body in a regular or special meeting called for that purpose. It may thereafter be
587 amended or revised by the governing body prior to public hearings thereon, except that no
588 appropriation required for debt retirement and interest or reduction, pursuant to Section
589 17-36-17, of any deficits which exist may be reduced below the required minimum.

590 Section 22. Section **17-36-11** is amended to read:

591 **17-36-11. Tentative budget -- Public record prior to adoption.**

592 (1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
593 sixth class is not subject to the provisions of this section; and

594 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
595 is subject to the provisions of this section.

596 (2) The tentative budget and all supportive schedules and data shall be a public record
597 available for inspection during business hours at the [offices] office of the [county clerk or
598 auditor] budget officer for at least 10 days prior to the public hearing on the adoption of a final
599 budget.

600 Section 23. Section **17-36-11.1** is enacted to read:

601 **17-36-11.1. Tentative budget -- Public record prior to adoption.**

602 (1) This section does not apply to a county of the first class.

603 (2) The tentative budget and all supportive schedules and data shall be a public record
604 available for inspection during business hours at the offices of the county clerk or auditor for at
605 least 10 days prior to the public hearing on the adoption of a final budget.

606 Section 24. Section **17-36-15** is amended to read:

607 **17-36-15. Adoption of budget -- Immunity.**

608 (1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
609 sixth class is not subject to the provisions of this section; and

610 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
611 is subject to the provisions of this section.

612 (2) (a) On or before the last day of each fiscal period, the governing body by resolution
613 shall adopt the budget [which, subject to further amendment, shall thereafter be].

614 (b) A budget adopted in accordance with Subsection (2)(a) is, unless amended, in
615 effect for the next fiscal period. [A]

616 (c) The budget officer shall:

617 (i) certify a copy of the final budget, and of any subsequent budget amendment

618 ~~[thereof, shall be certified by the budget officer and filed]; and~~

619 ~~(ii) file a copy with the state auditor not later than 30 days after [its adoption. A copy,~~
620 ~~similarly certified, shall be filed] the day on which the governing body adopts the budget.~~

621 ~~(d) The budget officer shall file a certified copy of the budget in the office of the~~
622 ~~budget officer for inspection by the public during business hours.~~

623 ~~(3) (a) Except as provided in Subsection (3)(b), a county officer or county employee~~
624 ~~may not file a legal action in state or federal court against the county, a department, or a county~~
625 ~~officer for any matter related to the following:~~

626 ~~(i) the adoption of a county budget;~~

627 ~~(ii) a county appropriation;~~

628 ~~(iii) a county personnel allocation; or~~

629 ~~(iv) a fund related to the county budget, a county appropriation, or a county personnel~~
630 ~~allocation.~~

631 ~~(b) A county or district attorney may enforce a procedural requirement that governs the~~
632 ~~adoption or approval of a budget in accordance with this chapter.~~

633 Section 25. Section **17-36-15.1** is enacted to read:

634 **17-36-15.1. Adoption of budget.**

635 ~~(1) This section does not apply to a county of the first class.~~

636 ~~(2) On or before the last day of each fiscal period, the governing body by resolution~~
637 ~~shall adopt the budget which, subject to further amendment, shall thereafter be in effect for the~~
638 ~~next fiscal period. A copy of the final budget, and of any subsequent amendment thereof, shall~~
639 ~~be certified by the budget officer and filed with the state auditor not later than 30 days after its~~
640 ~~adoption. A copy, similarly certified, shall be filed in the office of the budget officer for~~
641 ~~inspection by the public during business hours.~~

642 Section 26. Section **17-36-20** is amended to read:

643 **17-36-20. Purchases or encumbrances by purchasing agent.**

644 ~~[All purchases or all encumbrances]~~

645 ~~(1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or~~

646 sixth class is not subject to the provisions of this section; and

647 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
648 is subject to the provisions of this section.

649 (2) A person may not make a purchase or incur an encumbrance on behalf of [any] a
650 county [~~shall be made or incurred only upon~~] unless that person acts in accordance with an
651 order by, or approval of, the person duly authorized to act as purchasing agent for the county,
652 except encumbrances or expenditures directly investigated and [~~reported by the county auditor~~
653 and approved by the governing body] specifically approved by the executive or legislative
654 body.

655 (3) Unless otherwise provided by the governing body, the budget officer or [~~such~~] the
656 budget officer's agents shall serve as a purchasing agent.

657 Section 27. Section **17-36-20.1** is enacted to read:

658 **17-36-20.1. Purchases or encumbrances by purchasing agent.**

659 (1) This section does not apply to a county of the first class.

660 (2) All purchases or all encumbrances on behalf of any county shall be made or
661 incurred only upon an order or approval of the person duly authorized to act as purchasing
662 agent for the county, except encumbrances or expenditures directly investigated and reported
663 by the county auditor and approved by the governing body. Unless otherwise provided by the
664 governing body, the budget officer or such officer's agent shall serve as purchasing agent.

665 Section 28. Section **17-36-32** is amended to read:

666 **17-36-32. Operating and capital budget -- Expenditures.**

667 (1) (a) As used in this section, "operating and capital budget" means a plan of financial
668 operation for an enterprise or other special fund embodying estimates of operating and
669 nonoperating resources and expenses and other outlays for a fiscal period.

670 (b) Except as otherwise expressly provided, "budget" or "budgets" and the procedures
671 and controls relating to them in other sections of this act are not applicable to the operating and
672 capital budgets provided in this section.

673 (2) At or before the time that the governing body adopts budgets for the budgetary

674 funds specified in Section 17-36-8, the governing body shall adopt an operating and capital
675 budget for the next fiscal period for:

676 (a) each enterprise fund; and

677 (b) any other special nonbudgetary fund for which operating and capital budgets are
678 prescribed by the uniform system of budgeting, accounting, and reporting.

679 (3) (a) The governing body shall adopt and administer the operating and capital budget
680 in accordance with this Subsection (3).

681 (b) At or before the first day of the next to last month of each fiscal period, the budget
682 officer shall prepare for the next fiscal period on forms provided pursuant to Section 17-36-4,
683 and file with the governing body a tentative operating and capital budget for:

684 (i) each enterprise fund; and

685 (ii) any other special fund that requires an operating and capital budget.

686 (c) The tentative operating and capital budget shall be accompanied by a
687 supplementary estimate of all capital projects or planned capital projects:

688 (i) within the next fiscal period; and

689 (ii) within the fiscal period immediately following the fiscal period described in
690 Subsection (3)(c)(i).

691 (d) (i) Subject to Subsection (3)(d)(ii), the budget officer shall prepare all estimates
692 after review and consultation, if requested, with a department proposing a capital project.

693 (ii) After complying with Subsection (3)(d)(i), the budget officer may revise any
694 departmental estimate before it is filed with the governing body.

695 (e) (i) Except as provided in Subsection (3)(e)(iv), if a governing body includes in a
696 tentative budget, or an amendment to a budget, allocations or transfers between a utility
697 enterprise fund and another fund that are not reasonable allocations of costs between the utility
698 enterprise fund and the other fund, the governing body shall:

699 (A) hold a public hearing;

700 (B) prepare a written notice of the date, time, place, and purpose of the hearing, in
701 accordance with Subsection (3)(e)(ii); and

702 (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund
703 customer at least seven days before the day of the hearing.

704 (ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B) shall
705 identify:

706 (A) the utility enterprise fund from which money is being transferred;

707 (B) the amount being transferred; and

708 (C) the fund to which the money is being transferred.

709 (iii) The governing body:

710 (A) may print the written notice required under Subsection (3)(e)(i) on the utility
711 enterprise fund customer's bill; and

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

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

717 (f) (i) The governing body shall review the tentative operating and capital budget at any
718 regular or special meeting called for that purpose.

719 (ii) In accordance with Subsection (3)(f)(i), the governing body may make any changes
720 to the tentative operating and capital budget that the governing body considers advisable.

721 (iii) Before the close of the fiscal period, the governing body shall adopt an operating
722 and capital budget for the next fiscal period.

723 (g) (i) Upon final adoption by the governing body, the operating and capital budget
724 shall be in effect for the budget period subject to amendment.

725 (ii) The governing body shall:

726 (A) certify a copy of the operating and capital budget for each fund with the budget
727 officer; and

728 (B) make a copy available to the public during business hours in the offices of the
729 county auditor.

730 (iii) The governing body shall file a copy of the operating and capital budget with the
731 state auditor within 30 days after the day on which the operating and capital budget is adopted.

732 (iv) The governing body may during the budget period amend the operating and capital
733 budget of an enterprise or other special fund by resolution.

734 (v) A copy of the operating and capital budget as amended shall be filed with the state
735 auditor.

736 (4) Any expenditure from an operating and capital budget shall conform to the
737 requirements for budgets specified by Sections 17-36-20[;] or 17-36-20.1, as applicable, and
738 17-36-22, 17-36-23, and 17-36-24.

739 Section 29. Section **17-36-43** is amended to read:

740 **17-36-43. Financial administration ordinance -- Purposes.**

741 (1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
742 sixth class is not subject to the provisions of this section; and

743 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
744 is subject to the provisions of this section.

745 (2) The county legislative body, after consultation with the county auditor, may adopt a
746 financial administration ordinance authorizing the county auditor, county executive, county
747 manager, or [appointed administrator], in the case of county operated hospitals or mental health
748 districts, an appointed administrator, to act as the financial officer for the purpose of approving:

749 [(1)] (a) payroll checks, if the checks are prepared in accordance with a salary schedule
750 established in a personnel ordinance or resolution; or

751 [(2)] (b) routine expenditures, such as utility bills, payroll-related expenses, supplies,
752 materials, and payments on county-approved contracts and capital expenditures which are
753 referenced in the budget document and approved by an appropriation resolution adopted for the
754 current fiscal year.

755 Section 30. Section **17-36-43.1** is enacted to read:

756 **17-36-43.1. Financial administration ordinance -- Purposes.**

757 (1) This section does not apply to a county of the first class.

758 (2) The county legislative body, after consultation with the county auditor, may adopt a
759 financial administration ordinance authorizing the county auditor, or appointed administrator in
760 the case of county operated hospitals or mental health districts to act as the financial officer for
761 the purpose of approving:

762 (a) payroll checks, if the checks are prepared in accordance with a salary schedule
763 established in a personnel ordinance or resolution; or

764 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies,
765 materials, and payments on county-approved contracts and capital expenditures, which are
766 referenced in the budget document and approved by an appropriation resolution adopted for the
767 current fiscal year.

768 Section 31. Section **17-36-44** is amended to read:

769 **17-36-44. Financial administration ordinance -- Required provisions.**

770 The financial administration ordinance, adopted pursuant to Section 17-36-43[;] or
771 17-36-43.1, as applicable, shall provide:

772 (1) a maximum amount over which purchases may not be made without the approval
773 of the county executive;

774 (2) that the financial officer be bonded for a reasonable amount; and

775 (3) any other provisions the county legislative body considers advisable.

776 Section 32. Section **17-50-401** is amended to read:

777 **17-50-401. Review of claims by county executive -- Auditor review -- Attorney**
778 **review -- Claim requirements -- Approval or disapproval of claim -- Written explanation**
779 **of claim process.**

780 (1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
781 sixth class is not subject to the provisions of this section; and

782 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
783 is subject to the provisions of this section.

784 [~~(1)~~] (2) Subject to Subsection [~~(3)~~] (4), each county executive shall review each claim,
785 as defined in Section 17-19a-102, against the county and disapprove or, if payment appears to

786 the county executive to be just, lawful, and properly due and owing, approve the claim.

787 ~~[(2)]~~ (3) Upon receiving a notice of claim under Section 63G-7-401, the county clerk
788 shall deliver the notice of claim to the county executive.

789 ~~[(3)]~~ (4) (a) The county executive shall forward all claims regarding liability or
790 attorney fees to the county attorney, or, in a county that has a district attorney but not a county
791 attorney, to the district attorney for the attorney's review and recommendation to the county
792 executive regarding liability and payment.

793 (b) Except as provided in Section 17-50-405, the county executive shall forward all
794 claims requesting payment for goods or services to the county auditor for the auditor's review
795 and recommendation, subject to Subsection (8), to the county executive.

796 ~~[(4)]~~ (5) Each claim for goods or services against a county shall:

797 (a) itemize the claim, giving applicable names, dates, and particular goods provided or
798 services rendered;

799 (b) if the claim is for service of process, state the character of process served, upon
800 whom served, the number of days engaged, and the number of miles traveled;

801 (c) be duly substantiated as to its correctness and as to the fact that it is justly due;

802 (d) if the claim is for materials furnished, state to whom the materials were furnished,
803 by whom ordered, and the quantity and price agreed upon; and

804 (e) be presented to the county executive within a year after the last item of the account
805 or credit accrued.

806 ~~[(5)]~~ (6) If the county executive refuses to hear or consider a claim because it is not
807 properly made out, the county executive shall cause notice of the refusal to be given to the
808 claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be
809 properly itemized and substantiated.

810 ~~[(6)]~~ (7) Each county shall prepare and make available to a person submitting or
811 intending to submit a claim under this part a written explanation, in simple and easy to
812 understand language, of how to submit a claim to the county and of the county's process for
813 receiving, reviewing, and deciding a claim.

814 (8) Upon receiving a claim in accordance with Subsection (4)(b), the county auditor
815 shall:

816 (a) (i) investigate, examine, review, and inspect the claim; and

817 (ii) (A) recommend that the county executive approve or reject the claim; and

818 (B) endorse the recommendation;

819 (b) after completing the investigation, examination, and inspection, report the claim
820 and the recommendation described in Subsection (8)(a)(ii) to the county executive; and

821 (c) keep a complete record of the claim, the claim recommendation, the reasons for the
822 recommendation, and the county executive's final action as described in Subsection (9).

823 (9) After receiving the county or district attorney's recommendation in accordance with
824 Subsection (4)(a), or the county auditor's recommendation in accordance with Subsection
825 (4)(b), the county executive shall decide whether to approve or reject a claim.

826 (10) (a) The county auditor shall pay, subject to Subsection (10)(b), a claim approved
827 by the county executive in accordance with Subsection (9) by:

828 (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled
829 to payment; or

830 (ii) a county check or other payment mechanism as may be adopted in accordance with
831 Chapter 36, Uniform Fiscal Procedures Act for Counties.

832 (b) The county auditor may not pay a claim against the county unless:

833 (i) the auditor:

834 (A) receives from the county executive a certified list described in Subsection
835 17-20-1.7(4); and

836 (B) has complied with the recommendation and other requirements of Subsection (8);
837 and

838 (ii) the county executive has approved the claim in accordance with Subsection (9).

839 ~~(7)~~ (11) Nothing in this section may be construed to modify the requirements of
840 Section 63G-7-401.

841 Section 33. Section **17-50-401.1** is enacted to read:

842 17-50-401.1. Review of claims by county executive -- Auditor review -- Attorney
843 review -- Claim requirements -- Approval or disapproval of claim -- Written explanation
844 of claim process.

845 (1) This section does not apply to a county of the first class.

846 (2) Subject to Subsection (4), each county executive shall review each claim against
847 the county and disapprove or, if payment appears to the county executive to be just, lawful, and
848 properly due and owing, approve the claim.

849 (3) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall
850 deliver the notice of claim to the county executive.

851 (4) (a) The county executive shall forward all claims regarding liability to the county
852 attorney, or, in a county that has a district attorney but not a county attorney, to the district
853 attorney for the attorney's review and recommendation to the county executive regarding
854 liability and payment.

855 (b) Except as provided in Section 17-50-405, the county executive shall forward all
856 claims requesting payment for goods or services to the county auditor for the auditor's review
857 and recommendation to the county executive.

858 (5) Each claim for goods or services against a county shall:

859 (a) itemize the claim, giving applicable names, dates, and particular goods provided or
860 services rendered;

861 (b) if the claim is for service of process, state the character of process served, upon
862 whom served, the number of days engaged, and the number of miles traveled;

863 (c) be duly substantiated as to its correctness and as to the fact that it is justly due;

864 (d) if the claim is for materials furnished, state to whom the materials were furnished,
865 by whom ordered, and the quantity and price agreed upon; and

866 (e) be presented to the county executive within a year after the last item of the account
867 or credit accrued.

868 (6) If the county executive refuses to hear or consider a claim because it is not properly
869 made out, the county executive shall cause notice of the refusal to be given to the claimant or

870 the claimant's agent and shall allow a reasonable amount of time for the claim to be properly
871 itemized and substantiated.

872 (7) Each county shall prepare and make available to a person submitting or intending to
873 submit a claim under this part a written explanation, in simple and easy to understand language,
874 of how to submit a claim to the county and of the county's process for receiving, reviewing, and
875 deciding a claim.

876 (8) Nothing in this section may be construed to modify the requirements of Section
877 63G-7-401.

878 Section 34. Section **17-52-101** is amended to read:

879 **17-52-101. Definitions.**

880 As used in this chapter:

881 (1) "Appointment council" means a group of persons consisting of:

882 (a) a resident of the county in which the optional plan is proposed, designated by a
883 majority of all state senators and representatives whose districts include any part of the county
884 in which the optional plan is proposed;

885 (b) a resident of the county in which the optional plan is proposed, designated by the
886 county legislative body;

887 (c) a resident of the county in which the optional plan is proposed, designated by the
888 petition sponsors; and

889 (d) two other residents of the county in which the optional plan is proposed, designated
890 by majority vote of the three other members of the appointment council.

891 (2) "Optional plan" means a plan establishing an alternate form of government for a
892 county as provided in Section 17-52-401 or 17-52-401.1, as applicable.

893 (3) "Reasonable notice" means, at a minimum:

894 (a) publication:

895 (i) (A) in a newspaper of general circulation within the county at least once a week for
896 at least two consecutive weeks ending no more than 10 and no fewer than three days before the
897 event that is the subject of the notice; or

898 (B) if there is no newspaper of general circulation within the county, posting at least
899 one notice per 1,000 population within the county, for at least a week ending no more than
900 three days before the event that is the subject of the notice, at locations throughout the county
901 that are most likely to give actual notice to county residents; and

902 (ii) in accordance with Section 45-1-101 for two weeks before the event that is the
903 subject of the notice; and

904 (b) if the county has an Internet home page, posting an electronic notice on the Internet
905 for at least seven days immediately before the event that is the subject of the notice.

906 (4) "Study committee" means a group of persons:

907 (a) appointed under Section 17-52-301; and

908 (b) charged with the duties provided in Section 17-52-303.

909 Section 35. Section **17-52-401** is amended to read:

910 **17-52-401. Contents of proposed optional plan.**

911 (1) (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
912 sixth class is not subject to the provisions of this section; and

913 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
914 is subject to the provisions of this section.

915 [(+)] (2) Each optional plan proposed under this chapter:

916 (a) shall propose the adoption of one of the forms of county government listed in
917 Subsection 17-52-402(1)(a);

918 (b) shall contain detailed provisions relating to the transition from the existing form of
919 county government to the form proposed in the optional plan, including provisions relating to
920 the:

921 (i) election or appointment of officers specified in the optional plan for the new form of
922 county government;

923 (ii) retention, elimination, or combining of existing offices and, if an office is
924 eliminated, the division or department of county government responsible for performing the
925 duties of the eliminated office;

- 926 (iii) continuity of existing ordinances and regulations;
- 927 (iv) continuation of pending legislative, administrative, or judicial proceedings;
- 928 (v) making of interim and temporary appointments; and
- 929 (vi) preparation, approval, and adjustment of necessary budget appropriations;
- 930 (c) shall specify the date it is to become effective if adopted, which may not be earlier
- 931 than the first day of January next following the election of officers under the new plan; and
- 932 (d) notwithstanding any other provision of this title and except with respect to an
- 933 optional plan that proposes the adoption of the county commission or expanded county
- 934 commission form of government, with respect to the county budget[~~:(i) may provide that the~~
- 935 ~~county auditor's role is to be the budget officer, to project county revenues, and to prepare a~~
- 936 ~~tentative budget to present to the county executive; and (ii)] shall provide that the county~~
- 937 executive's role is to prepare and present a proposed budget to the county legislative body, and
- 938 the county legislative body's role is to adopt a final budget.

939 ~~[(2)] (3)~~ Subject to Subsection ~~[(3)] (4)~~, an optional plan may include provisions that

940 are considered necessary or advisable to the effective operation of the proposed optional plan.

941 ~~[(3)] (4)~~ An optional plan may not include any provision that is inconsistent with or

942 prohibited by the Utah Constitution or any statute.

943 ~~[(4)] (5)~~ Each optional plan proposing to change the form of government to a form

944 under Section 17-52-504 or 17-52-505 shall:

- 945 (a) provide for the same executive and legislative officers as are specified in the
- 946 applicable section for the form of government being proposed by the optional plan;
- 947 (b) provide for the election of the county council;
- 948 (c) specify the number of county council members, which shall be an odd number from
- 949 three to nine;
- 950 (d) specify whether the members of the county council are to be elected from districts,
- 951 at large, or by a combination of at large and by district;
- 952 (e) specify county council members' qualifications and terms and whether the terms are
- 953 to be staggered;

954 (f) contain procedures for filling vacancies on the county council, consistent with the
955 provisions of Section 20A-1-508; and

956 (g) state the initial compensation, if any, of county council members and procedures for
957 prescribing and changing compensation.

958 (5) Each optional plan proposing to change the form of government to the county
959 commission form under Section 17-52-501 or the expanded county commission form under
960 Section 17-52-502 shall specify:

961 (a) (i) for the county commission form of government, that the county commission
962 shall have three members; or

963 (ii) for the expanded county commission form of government, whether the county
964 commission shall have five or seven members;

965 (b) the terms of office for county commission members and whether the terms are to be
966 staggered;

967 (c) whether members of the county commission are to be elected from districts, at
968 large, or by a combination of at large and from districts; and

969 (d) if any members of the county commission are to be elected from districts, the
970 district residency requirements for those commission members.

971 Section 36. Section **17-52-401.1** is enacted to read:

972 **17-52-401.1. Contents of proposed optional plan.**

973 (1) This section does not apply to a county of the first class.

974 (2) Each optional plan proposed under this chapter:

975 (a) shall propose the adoption of one of the forms of county government listed in
976 Subsection 17-52-402(1)(a);

977 (b) shall contain detailed provisions relating to the transition from the existing form of
978 county government to the form proposed in the optional plan, including provisions relating to
979 the:

980 (i) election or appointment of officers specified in the optional plan for the new form of
981 county government;

982 (ii) retention, elimination, or combining of existing offices and, if an office is
983 eliminated, the division or department of county government responsible for performing the
984 duties of the eliminated office;

985 (iii) continuity of existing ordinances and regulations;

986 (iv) continuation of pending legislative, administrative, or judicial proceedings;

987 (v) making of interim and temporary appointments; and

988 (vi) preparation, approval, and adjustment of necessary budget appropriations;

989 (c) shall specify the date it is to become effective if adopted, which may not be earlier
990 than the first day of January next following the election of officers under the new plan; and

991 (d) notwithstanding any other provision of this title and except with respect to an
992 optional plan that proposes the adoption of the county commission or expanded county
993 commission form of government, with respect to the county budget:

994 (i) may provide that the county auditor's role is to be the budget officer, to project
995 county revenues, and to prepare a tentative budget to present to the county executive; and

996 (ii) shall provide that the county executive's role is to prepare and present a proposed
997 budget to the county legislative body, and the county legislative body's role is to adopt a final
998 budget.

999 (3) Subject to Subsection (4), an optional plan may include provisions that are
1000 considered necessary or advisable to the effective operation of the proposed optional plan.

1001 (4) An optional plan may not include any provision that is inconsistent with or
1002 prohibited by the Utah Constitution or any statute.

1003 (5) Each optional plan proposing to change the form of government to a form under
1004 Section 17-52-504 or 17-52-505 shall:

1005 (a) provide for the same executive and legislative officers as are specified in the
1006 applicable section for the form of government being proposed by the optional plan;

1007 (b) provide for the election of the county council;

1008 (c) specify the number of county council members, which shall be an odd number from
1009 three to nine;

1010 (d) specify whether the members of the county council are to be elected from districts,
1011 at large, or by a combination of at large and by district;

1012 (e) specify county council members' qualifications and terms and whether the terms are
1013 to be staggered;

1014 (f) contain procedures for filling vacancies on the county council, consistent with the
1015 provisions of Section 20A-1-508; and

1016 (g) state the initial compensation, if any, of county council members and procedures for
1017 prescribing and changing compensation.

1018 (6) Each optional plan proposing to change the form of government to the county
1019 commission form under Section 17-52-501 or the expanded county commission form under
1020 Section 17-52-502 shall specify:

1021 (a) (i) for the county commission form of government, that the county commission
1022 shall have three members; or

1023 (ii) for the expanded county commission form of government, whether the county
1024 commission shall have five or seven members;

1025 (b) the terms of office for county commission members and whether the terms are to be
1026 staggered;

1027 (c) whether members of the county commission are to be elected from districts, at
1028 large, or by a combination of at large and from districts; and

1029 (d) if any members of the county commission are to be elected from districts, the
1030 district residency requirements for those commission members.

1031 Section 37. Section **17-52-403** is amended to read:

1032 **17-52-403. Adoption of optional plan -- Effect of adoption.**

1033 (1) If a proposed optional plan is approved at an election held under Section
1034 17-52-206:

1035 (a) the proposed optional plan becomes effective according to its terms and, subject to
1036 Subsection 17-52-401~~(1)(e)~~(2)(c) or 17-52-401.1(2)(c), as applicable, at the time specified in
1037 it, is public record open to inspection by the public, and is judicially noticeable by all courts;

1038 (b) the county clerk shall, within 10 days of the canvass of the election, file with the
1039 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct
1040 copy;

1041 (c) all public officers and employees shall cooperate fully in making the transition
1042 between forms of county government; and

1043 (d) the county legislative body may enact and enforce necessary ordinances to bring
1044 about an orderly transition to the new form of government, including any transfer of power,
1045 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with
1046 the approved optional plan and necessary or convenient to place it into full effect.

1047 (2) Adoption of an optional plan changing only the form of county government without
1048 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County
1049 Government, does not alter or affect the boundaries, organization, powers, duties, or functions
1050 of any:

1051 (a) school district;

1052 (b) justice court;

1053 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local
1054 Districts;

1055 (d) special service district under Title 17D, Chapter 1, Special Service District Act;

1056 (e) city or town; or

1057 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
1058 Cooperation Act.

1059 (3) After the adoption of an optional plan, the county remains vested with all powers
1060 and duties vested generally in counties by statute.

1061 Section 38. Section **17-53-212** is amended to read:

1062 **17-53-212. Examination and audit of accounts.**

1063 (1) A county legislative body may examine and audit the accounts of all officers having
1064 the care, management, collection, or disbursement of money belonging to the county or
1065 appropriated by law or otherwise for its use and benefit.

1066 (2) Nothing in this section may be construed to affect a county auditor's authority under
1067 Chapter 19a, County Auditor.

1068 Section 39. Section **17-53-303** is amended to read:

1069 **17-53-303. Examination and audit of accounts.**

1070 (1) The county executive may examine and audit the accounts of all officers having the
1071 care, management, collection, or disbursement of money belonging to the county or
1072 appropriated by law or otherwise for its use and benefit.

1073 (2) Nothing in this section may be construed to affect a county auditor's authority under
1074 Chapter 19a, County Auditor.

1075 Section 40. Section **20A-7-101** is amended to read:

1076 **20A-7-101. Definitions.**

1077 As used in this chapter:

1078 (1) "Budget officer" means:

1079 (a) (i) for a county of the first class, the person designated as budget officer in Section
1080 [~~17-19-19;~~] 17-19a-203; or

1081 (ii) for a county not described in Subsection (1)(a)(i), a person designated as budget
1082 officer in Section 17-19-19;

1083 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or

1084 (c) for a town, the town council.

1085 (2) "Certified" means that the county clerk has acknowledged a signature as being the
1086 signature of a registered voter.

1087 (3) "Circulation" means the process of submitting an initiative or referendum petition
1088 to legal voters for their signature.

1089 (4) "Final fiscal impact statement" means a financial statement prepared after voters
1090 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
1091 20A-7-502.5(2).

1092 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
1093 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an

1094 initiative petition.

1095 (6) "Initiative" means a new law proposed for adoption by the public as provided in
1096 this chapter.

1097 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
1098 law, and the signature sheets, all of which have been bound together as a unit.

1099 (8) "Legal signatures" means the number of signatures of legal voters that:

1100 (a) meet the numerical requirements of this chapter; and

1101 (b) have been certified and verified as provided in this chapter.

1102 (9) "Legal voter" means a person who:

1103 (a) is registered to vote; or

1104 (b) becomes registered to vote before the county clerk certifies the signatures on an
1105 initiative or referendum petition.

1106 (10) "Local attorney" means the county attorney, city attorney, or town attorney in
1107 whose jurisdiction a local initiative or referendum petition is circulated.

1108 (11) "Local clerk" means the county clerk, city recorder, or town clerk in whose
1109 jurisdiction a local initiative or referendum petition is circulated.

1110 (12) (a) "Local law" includes an ordinance, resolution, master plan, and any
1111 comprehensive zoning regulation adopted by ordinance or resolution.

1112 (b) "Local law" does not include an individual property zoning decision.

1113 (13) "Local legislative body" means the legislative body of a county, city, or town.

1114 (14) "Local obligation law" means a local law passed by the local legislative body
1115 regarding the issuance of a bond, note, lease, finance agreement, or other similar obligation.

1116 (15) "Measure" means a proposed constitutional amendment, an initiative, or
1117 referendum.

1118 (16) "Referendum" means a process by which a law passed by the Legislature or by a
1119 local legislative body is submitted or referred to the voters for their approval or rejection.

1120 (17) "Referendum packet" means a copy of the referendum petition, a copy of the law
1121 being submitted or referred to the voters for their approval or rejection, and the signature

1122 sheets, all of which have been bound together as a unit.

1123 (18) (a) "Signature" means a holographic signature.

1124 (b) "Signature" does not mean an electronic signature.

1125 (19) "Signature sheets" means sheets in the form required by this chapter that are used
1126 to collect signatures in support of an initiative or referendum.

1127 (20) "Sponsors" means the legal voters who support the initiative or referendum and
1128 who sign the application for petition copies.

1129 (21) "Sufficient" means that the signatures submitted in support of an initiative or
1130 referendum petition have been certified and verified as required by this chapter.

1131 (22) "Verified" means acknowledged by the person circulating the petition as required
1132 in Sections 20A-7-205 and 20A-7-305.

1133 Section 41. Section **63I-2-217** is amended to read:

1134 **63I-2-217. Repeal dates -- Title 17.**

1135 (1) Subsection 17-8-7(2), the language that states "Sections 17-19-1 to 17-19-28 and"
1136 and ", as applicable," is repealed January 1, 2015.

1137 (2) Title 17, Chapter 19, County Auditor, is repealed January 1, 2015.

1138 (3) Subsection 17-24-1(4)(b), the language that states ", as applicable, Sections
1139 17-19-1, 17-19-3, and 17-19-5 or" is repealed January 1, 2015.

1140 (4) Subsection 17-24-4(2), the language that states ", as applicable, Subsection
1141 17-19-3(3)(b) or" is repealed January 1, 2015.

1142 (5) Subsection 17-27a-305(2) is repealed July 1, 2013.

1143 (6) (a) Subsection 17-36-3(5)(a), the language that states "for a county of the second,
1144 third, fourth, fifth, or sixth class, the county auditor, county clerk, or county executive as
1145 provided in Subsection 17-19-19(1); or" is repealed January 1, 2015.

1146 (b) Subsection 17-36-3(5)(b), the language that states "for a county of the first class," is
1147 repealed January 1, 2015.

1148 (c) Subsection 17-36-3(7), the language that states "17-19-3," and ", or 17-24-1.1, as
1149 applicable" is repealed January 1, 2015.

1150 (7) Subsection 17-36-9(1)(a)(iii), the language that states "17-36-10.1, as applicable,
1151 or" is repealed January 1, 2015.

1152 (8) Subsection 17-36-10(1), the language that states the following is repealed January
1153 1, 2015:

1154 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1155 sixth class is not subject to the provisions of this section; and

1156 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
1157 is subject to the provisions of this section."

1158 (9) Section 17-36-10.1 is repealed January 1, 2015.

1159 (10) Subsection 17-36-11(1), the language that states the following is repealed January
1160 1, 2015:

1161 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1162 sixth class is not subject to the provisions of this section; and

1163 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
1164 is subject to the provisions of this section."

1165 (11) Section 17-36-11.1 is repealed January 1, 2015.

1166 (12) Subsection 17-36-15(1), the language that states the following is repealed January
1167 1, 2015:

1168 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1169 sixth class is not subject to the provisions of this section; and

1170 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
1171 is subject to the provisions of this section."

1172 (13) Section 17-36-15.1 is repealed January 1, 2015.

1173 (14) Subsection 17-36-20(1), the language that states the following is repealed January
1174 1, 2015:

1175 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1176 sixth class is not subject to the provisions of this section; and

1177 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class

1178 is subject to the provisions of this section."

1179 (15) Section 17-36-20.1 is repealed January 1, 2015.

1180 (16) Subsection 17-36-32(4), the language that states "or 17-36-20.1, as applicable,
1181 and" is repealed January 1, 2015.

1182 (17) Subsection 17-36-43(1), the language that states the following is repealed January
1183 1, 2015:

1184 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1185 sixth class is not subject to the provisions of this section; and

1186 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
1187 is subject to the provisions of this section."

1188 (18) Section 17-36-43.1 is repealed January 1, 2015.

1189 (19) Section 17-36-44, the language that states "or 17-36-43.1, as applicable" is
1190 repealed January 1, 2015.

1191 (20) Subsection 17-50-401(1), the language that states the following is repealed
1192 January 1, 2015:

1193 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1194 sixth class is not subject to the provisions of this section; and

1195 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
1196 is subject to the provisions of this section."

1197 (21) Section 17-50-401.1 is repealed January 1, 2015.

1198 (22) Subsection 17-52-101(2), the language that states "or 17-52-401.1, as applicable"
1199 is repealed January 1, 2015.

1200 (23) Subsection 17-52-401(1), the language that states the following is repealed
1201 January 1, 2015:

1202 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
1203 sixth class is not subject to the provisions of this section; and

1204 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
1205 is subject to the provisions of this section."

1206 (24) Section 17-52-401.1 is repealed January 1, 2015.

1207 (25) Subsection 17-52-403(1)(a), the language that states "or 17-52-401.1(2)(c), as
1208 applicable" is repealed January 1, 2015.

1209 (26) On January 1, 2015, when making the changes in this section, the Office of
1210 Legislative Research and General Counsel shall:

1211 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
1212 necessary to ensure that sections and subsections identified in this section are complete
1213 sentences and accurately reflect the office's perception of the Legislature's intent; and

1214 (b) identify the text of the affected sections and subsections based upon the section and
1215 subsection numbers used in this bill.

1216 Section 42. Section **63I-2-220** is amended to read:

1217 **63I-2-220. Repeal dates, Title 20A.**

1218 (1) Section 20A-2-107.5 is repealed July 1, 2013.

1219 (2) Section 20A-3-704 is repealed January 1, 2016.

1220 (3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and "
1221 or" is repealed January 1, 2015.

1222 (b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not described
1223 in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is repealed
1224 January 1, 2015.

1225 Section 43. Section **63I-2-277** is amended to read:

1226 **63I-2-277. Repeal dates, Title 77.**

1227 (1) Section 77-2a-3.1 is repealed June 30, 2008.

1228 (2) Subsection 77-32-304.5(2)(d)(i), the language that states "or 17-50-401.1, as
1229 applicable" is repealed January 1, 2015.

1230 Section 44. Section **77-32-304.5** is amended to read:

1231 **77-32-304.5. Reasonable compensation for defense counsel for indigents.**

1232 (1) This section does not apply to any attorney:

1233 (a) under contract with the county or municipality for defense of an indigent person;

1234 (b) in the legal defender organization, legal aid agency, law firm, or public defender
1235 association with which that attorney is professionally associated; or

1236 (c) who is an employee of a county legal defender's office.

1237 (2) (a) The county or municipality shall pay reasonable compensation to any attorney
1238 assigned by the court under Subsection 77-32-306 at the conclusion of the representation or any
1239 segment of the representation, as provided in Subsections (2)(b), (c), (d), and (e):

1240 (i) before the district or justice courts, including interlocutory appeals; and

1241 (ii) before the appellate court on a first appeal of right.

1242 (b) The legislative body of each county and municipality shall establish and annually
1243 review guidelines for the rate of compensation, taking into account:

1244 (i) the nature and complexity of the case;

1245 (ii) the competency and years of experience in criminal defense of the assigned
1246 attorney;

1247 (iii) the adjusted net hourly rate incurred by the county or municipality for a prosecutor
1248 or public defender of equivalent experience and competency; and

1249 (iv) the prevailing rates within the judicial district for comparable services.

1250 (c) If the legislative body of a county or municipality does not establish the rate
1251 guidelines, the rate of compensation shall be determined by the trial judge or a judge other than
1252 the trial judge if requested by:

1253 (i) the assigned attorney; or

1254 (ii) the county or municipality.

1255 (d) If the assigned attorney disagrees with the amount of compensation paid or
1256 contemplated for payment by the county or municipality, the assigned attorney shall
1257 nonetheless continue to represent the indigent defendant and may file a claim against:

1258 (i) the county pursuant to Section 17-50-401 or 17-50-401.1, as applicable, in which
1259 event the period for a denial by the county shall be 20 days; or

1260 (ii) the municipality pursuant to Title 10, Chapter 6, Uniform Fiscal Procedures Act for
1261 Utah Cities.

1262 (e) In determining the reasonable compensation to be paid to defense counsel under
1263 Subsections (2)(c) and (d), the court shall consider the factors contained in Subsections
1264 (2)(b)(i) through (iv).

1265 (f) The total compensation in a noncapital case may not, without prior court approval
1266 following a hearing, exceed:

1267 (i) \$3,500 for each assigned attorney in a case in which one or more felonies is
1268 charged;

1269 (ii) \$1,000 for each assigned attorney in a case in which only misdemeanors or lesser
1270 offenses are charged; or

1271 (iii) \$2,500 for each assigned attorney in the representation of an indigent in an
1272 appellate court on a first appeal of right.

1273 Section 45. **Effective date.**

1274 If approved by two-thirds of all the members elected to each house, this bill takes effect
1275 upon approval by the governor, or the day following the constitutional time limit of Utah
1276 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
1277 the date of veto override.

1278 Section 46. **Revisor instructions.**

1279 The Legislature intends that the Office of Legislative Research and General Counsel, in
1280 preparing the Utah Code database for publication, replace the language in Subsection
1281 63I-2-217(26)(b) from "this bill" with the bill's designated chapter number in the Laws of Utah.