

ALLOWABLE USE OF COUNTY AND CITY RESOURCES

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Butters

This act modifies county and city provisions relating to a county or city's use of its resources for nonprofit entities. The act authorizes counties and cities to use resources for private, nonprofit entities. The act also makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-8-2, as last amended by Chapter 134, Laws of Utah 1993

17-50-303, as renumbered and amended by Chapter 133, Laws of Utah 2000

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

Section 1. Section **10-8-2** is amended to read:

10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate purpose.

(1) A [~~board of commissioners or~~] city [~~council~~] legislative body may:

(a) appropriate money for corporate purposes only;

(b) provide for payment of debts and expenses of the corporation;

(c) purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the city, whether the property is within or without the city's corporate boundaries; [~~and~~]

(d) improve, protect, and do any other thing in relation to this property that an individual could do[-]; and

(e) after first holding a public hearing, authorize city services or other nonmonetary property or assistance to be given to or waive fees required to be paid by a nonprofit entity, whether or not the city receives consideration in return.

(2) It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the [~~board of commissioners or~~] city [~~council~~] legislative body, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the city.

Section 2. Section **17-50-303** is amended to read:

17-50-303. County may not give or lend credit -- County may borrow in anticipation of revenues -- Assistance to nonprofit entities.

(1) A county may not give or lend its credit to or in aid of any person or corporation, or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

(2) (a) A county may borrow money in anticipation of the collection of taxes and other county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Utah Municipal Bond Act.

~~[(3)]~~ (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which funds of the county may be expended.

(3) After first holding a public hearing, a county may provide services or give other nonmonetary property or assistance to or waive fees required to be paid by a nonprofit entity, whether or not the county receives consideration in return.