

1                                   **TECHNICAL CORRECTIONS TO COUNTY**  
2   **CODE**

3   2002 GENERAL SESSION  
4   STATE OF UTAH

5   **Sponsor: David N. Cox**

6   **This act modifies the County Code by making a technical correction relating to**  
7   **investigations by the county legislative body.**

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

9   AMENDS:

10           **17-53-106**, as enacted by Chapter 241, Laws of Utah 2001

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

12           Section 1. Section **17-53-106** is amended to read:

13           **17-53-106. Supervision of county elected officers -- Legislative body and executive**  
14   **may examine and audit accounts and conduct investigation.**

15           (1) For purposes of this section, "professional duties" means a county elected officer's  
16   functions, duties, and responsibilities specifically provided for by law and includes:

17           (a) the exercise of professional judgment and discretion reasonably related to the officer's  
18   required functions, duties, and responsibilities; and

19           (b) the management of deputies and other employees under the supervision of the elected  
20   officer under statute or county ordinance, policy, or regulation.

21           (2) (a) A county legislative body and a county executive each:

22           (i) may generally direct and supervise all elected county officers and employees to ensure  
23   compliance with general county administrative ordinances, rules, or policies;

24           (ii) may not direct or supervise other elected county officers or their sworn deputies with  
25   respect to the performance of the professional duties of the officers or deputies;

26           (iii) may examine and audit the accounts of all county officers having the care,  
27   management, collection, or distribution of monies belonging to the county, appropriated to the



28 county, or otherwise available for the county's use and benefit; and

29 (iv) may investigate any matter pertaining to a county officer or to the county or its  
30 business or affairs, and may require the attendance of witnesses and take evidence in any such  
31 investigation.

32 (b) In an investigation under Subsection (2)(a)(iv):

33 (i) the county executive or any member of the county legislative body may issue subpoenas  
34 and administer oaths to witnesses; and

35 (ii) if the county legislative body [~~issues subpoenas and~~] appoints members of the  
36 legislative body as a committee and confers on the committee power to hear or take evidence, the  
37 committee shall have the same power as the full county legislative body.

38 (3) Nothing in this section may be construed to prohibit the county executive or county  
39 legislative body from initiating an action for removal or prosecution of an elected county officer  
40 as provided by statute.

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**Legislative Review Note**  
**as of 11-14-01 5:34 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Political Subdivisions Interim Committee recommended this bill.