

**COUNTY POWERS AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to the powers of counties.

**Highlighted Provisions:**

This bill:

- ▶ clarifies that a county's acquisition of real property by condemnation is as provided in general eminent domain statutory provisions;
- ▶ modifies a provision limiting how a provision regarding a county's condemnation authority may be construed; and
- ▶ provides that water rights that are not appurtenant to land are not real property subject to condemnation by a county.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-50-302**, as last amended by Chapter 211, Laws of Utah 2003

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

Section 1. Section **17-50-302** is amended to read:

**17-50-302. General county powers.**

(1) A county may:

(a) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and

collect special assessments for benefits conferred; and

(b) provide services, exercise powers, and perform functions that are reasonably related to the safety, health, morals, and welfare of their inhabitants, except as limited or prohibited by statute.

(2) (a) A county may:

(i) sue and be sued;

(ii) acquire real property by tax sale, purchase, lease, contract, or gift, [~~or condemnation,~~] and hold the real property as necessary and proper for county purposes;

(iii) (A) subject to Subsection (2)(b), acquire real property by condemnation, as provided in Title 78, Chapter 34, Eminent Domain; and

(B) hold the real property as necessary and proper for county purposes;

~~[(iii)]~~ (iv) as may be necessary to the exercise of its powers, acquire personal property by purchase, lease, contract, or gift, and hold such personal property; and

~~[(iv)]~~ (v) manage and dispose of its property as the interests of its inhabitants may require.

(b) (i) For purposes of Subsection (2)(a)(iii), water rights that are not appurtenant to land do not constitute real property that may be acquired by the county through condemnation.

~~[(b)]~~ (ii) Nothing in Subsection (2)(a)~~[(ii)]~~(iii) may be construed to authorize a county to acquire by condemnation the rights to water [~~used in agricultural production~~] unless the land to which those water rights are appurtenant is acquired by condemnation.