♣ Approved for Filing: R.H. Rees♣ 02-06-04 10:11 AM♣

	COUNTY POWERS AMENDMENTS	
	2004 GENERAL SESSION	
	STATE OF UTAH	
	Sponsor: David L. Gladwell	
	LONG TITLE	
	General Description:	
	This bill modifies a provision relating to the powers of counties.	
Highlighted Provisions:		
	This bill:	
	► replaces "real property" with "land" in a provision authorizing a county's acquisition	
	by various means, including condemnation;	
	<ul> <li>clarifies that a county's acquisition of land by condemnation is pursuant to general</li> </ul>	
	eminent domain statutory provisions; and	
	• eliminates a provision limiting how a provision regarding a county's condemnation	
	authority may be construed.	
Monies Appropriated in this Bill:		
	None	
Other Special Clauses:		
	None	
	<b>Utah Code Sections Affected:</b>	
	AMENDS:	
	17-50-302, as last amended by Chapter 211, Laws of Utah 2003	



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28	(1) A county may:
29	(a) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and
30	collect special assessments for benefits conferred; and
31	(b) provide services, exercise powers, and perform functions that are reasonably related
32	to the safety, health, morals, and welfare of their inhabitants, except as limited or prohibited by
33	statute.
34	(2) [ <del>(a)</del> ] A county may:
35	$\left[\frac{(i)}{a}\right]$ sue and be sued;
36	[(ii)] (b) acquire [real property] land by tax sale, purchase, lease, contract, gift, or, as
37	provided in Title 78, Chapter 34, Eminent Domain, condemnation, and hold the [real property]
38	<u>land</u> as necessary and proper for county purposes;
39	[(iii)] (c) as may be necessary to the exercise of its powers, acquire personal property
40	by purchase, lease, contract, or gift, and hold such personal property; and
41	[(iv)] (d) manage and dispose of its property as the interests of its inhabitants may
42	require.
43	[(b) Nothing in Subsection (2)(a)(ii) may be construed to authorize a county to acquire
44	by condemnation the rights to water used in agricultural production unless the land to which
45	those water rights are appurtenant is acquired by condemnation.]

## Legislative Review Note as of 2-4-04 6:58 AM

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

Office of Legislative Research and General Counsel

scal Note I Number SB0215	County Powers Amendments	11-Feb-0- 10:50 AM
State Impact		
No fiscal impact.		
Individual and Business I	mpact	
No fiscal impact.		

Office of the Legislative Fiscal Analyst