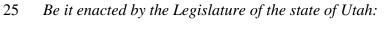
Senator David L. Gladwell proposes the following substitute bill:

	COUNTY POWERS AMENDMENTS
	2004 GENERAL SESSION
	STATE OF UTAH
	Sponsor: David L. Gladwell
LON	NG TITLE
Gen	eral Description:
	This bill modifies a provision relating to the powers of counties.
High	alighted Provisions:
	This bill:
	 clarifies that a county's acquisition of land by condemnation is as provided in
gene	ral eminent domain statutory provisions;
	• eliminates a provision limiting how a provision regarding a county's condemnation
auth	ority may be construed; and
	 provides that water rights that are not appurtenant to land are not real property
subje	ect to condemnation by a county.
Mon	ies Appropriated in this Bill:
	None
Othe	er Special Clauses:
	None
Utal	Code Sections Affected:
AMI	ENDS:
	17-50-302, as last amended by Chapter 211, Laws of Utah 2003





1st Sub. (Green) S.B. 215

02-11-04 7:14 AM

26	Section 1. Section 17-50-302 is amended to read:
27	17-50-302. General county powers.
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) (a) A county may:
35	(i) sue and be sued;
36	(ii) (A) acquire real property:
37	(I) by tax sale, purchase, lease, contract, or gift[-,]; or
38	(II) as provided in Title 78, Chapter 34, Eminent Domain, and except as provided in
39	Subsection (2)(b), by condemnation[7]; and
40	(B) hold the real property as necessary and proper for county purposes;
41	(iii) as may be necessary to the exercise of its powers, acquire personal property by
42	purchase, lease, contract, or gift, and hold such personal property; and
43	(iv) manage and dispose of its property as the interests of its inhabitants may require.
44	[(b) Nothing in Subsection (2)(a)(ii) may be construed to authorize a county to acquire
45	by condemnation the rights to water used in agricultural production unless the land to which
46	those water rights are appurtenant is acquired by condemnation.]
47	(b) For purposes of Subsection (2)(a)(ii)(A)(II), water rights that are not appurtenant to
48	land do not constitute real property that may be acquired by the county through condemnation.