

SB0057S03 compared with SB0057S02

~~{deleted text}~~ shows text that was in SB0057S02 but was deleted in SB0057S03.

inserted text shows text that was not in SB0057S02 but was inserted into SB0057S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Lincoln Fillmore}~~ Representative Jordan D. Teuscher proposes the following substitute bill:

COUNTY ~~{COUNSEL}~~ AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: ~~{~~ Jordan D. Teuscher

LONG TITLE

General Description:

This bill modifies provisions related to the duties of ~~{a district or}~~ certain county ~~{attorney}~~ officers.

Highlighted Provisions:

This bill:

- ▶ modifies the duties of a district or county attorney related to reviewing county legal documents ~~{.}~~;
- ▶ requires the county executive to rescind an existing executive order when a county legislative body establishes a program or policy that conflicts with the existing executive order;
- ▶ requires the county executive to ensure compliance with a program or policy

SB0057S03 compared with SB0057S02

established by a county legislative body; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-18a-504, as enacted by Laws of Utah 2013, Chapter 237

17-53-302, as last amended by Laws of Utah 2011, Chapter 209

17-53-316, as enacted by Laws of Utah 2001, Chapter 241

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

Section 1. Section **17-18a-504** is amended to read:

17-18a-504. Review and advise as to form.

The civil counsel shall review and [approve] advise as to form and legality each county contract, ordinance, regulation, real estate document, conveyance, and legal document.

Section 2. Section **17-53-302** is amended to read:

17-53-302. County executive duties.

Each county executive shall:

- (1) exercise supervisory control over all functions of the executive branch of county government;
- (2) direct and organize the management of the county in a manner consistent with state law, county ordinance, and the county's optional plan of county government;
- (3) (a) carry out programs and policies established by the county legislative body; and
(b) ensure that all departments of county government comply with programs and policies established by the county legislative body;
- (4) faithfully ensure compliance with all applicable laws and county ordinances;
- (5) exercise supervisory and coordinating control over all departments of county government;
- (6) except as otherwise vested in the county legislative body by state law or by the

SB0057S03 compared with SB0057S02

optional plan of county government, and subject to Section 17-53-317, appoint, suspend, and remove the directors of all county departments and all appointive officers of boards and commissions;

(7) except as otherwise delegated by statute to another county officer, exercise administrative and auditing control over all funds and assets, tangible and intangible, of the county;

(8) except as otherwise delegated by statute to another county officer, supervise and direct centralized budgeting, accounting, personnel management, purchasing, and other service functions of the county;

(9) conduct planning studies and make recommendations to the county legislative body relating to financial, administrative, procedural, and operational plans, programs, and improvements in county government;

(10) maintain a continuing review of expenditures and of the effectiveness of departmental budgetary controls;

(11) develop systems and procedures, not inconsistent with statute, for planning, programming, budgeting, and accounting for all activities of the county;

(12) if the county executive is an elected county executive, exercise a power of veto over ordinances enacted by the county legislative body, including an item veto upon budget appropriations, in the manner provided by the optional plan of county government;

(13) review, negotiate, approve, and execute contracts for the county, unless otherwise provided by statute;

(14) perform all other functions and duties required of the executive by state law, county ordinance, and the optional plan of county government; and

(15) sign on behalf of the county all deeds that convey county property.

Section 3. Section 17-53-316 is amended to read:

17-53-316. Executive orders.

(1) The county executive may issue an executive order to:

(a) establish an executive policy;

(b) implement an executive practice; or

(c) execute a legislative policy or ordinance, as provided by statute.

~~(2) An executive order may not:~~

SB0057S03 compared with SB0057S02

(2) (a) The county executive may not issue an executive order that:

~~[(a) be]~~ (i) is inconsistent with county ordinances ~~[addressing]~~ that address the same subject as the executive order or with policies established by the county legislative body ~~[addressing]~~ that address the same subject as the executive order; or

~~[(b) expand or narrow]~~ (ii) expands or narrows legislative action taken or legislative policy issued by the county legislative body.

(b) If a county legislative body adopts an ordinance or establishes a policy that conflicts with an existing executive order, the ordinance or policy adopted or established by the county legislative body supersedes the executive order.

(3) Each executive order exercising supervisory power over other elected county officers shall be consistent with the authority given the county executive under Section 17-53-106.