

1st Sub. S.B. 268
PROPERTY RIGHTS OMBUDSMAN

Senator **L. Alma Mansell** proposes the following amendments:

1. *Page 2, Line 36:*

36 13-42-206, Utah Code Annotated 1953

REPEALS:

63-34-13, as last amended by Chapters 90 and 223, Laws of Utah 2004

2. *Page 3, Lines 58 through 67:*

58 13-42-201. Office of the Property Rights Ombudsman.

59 (1) There is created an Office of the Property Rights Ombudsman in the Department of
60 Commerce.

61 (2) The executive director of the Department of Commerce, with the concurrence of
62 the Land Use and Eminent Domain Advisory Board created in Section 13-42-202, shall appoint

63 {~~an attorney~~} attorneys with background or expertise in takings, eminent domain, and land use law
to fill

64 {~~the position~~} legal positions within the Office of the Property Rights Ombudsman .

65 (3) The person appointed under this section is an exempt employee.

66 (4) {~~Subject to Subsection 13-42-202(8), the executive director of the Department of~~

67 Commerce may hire attorneys, clerks, interns, or other personnel to assist the appointee} An attorney
appointed under this section is an at-will employee who may be terminated without cause by:

(a) the executive director of the Department of Commerce; or

(b) an action of the Land Use and Eminent Domain Advisory Board .

3. *Page 3, Lines 71 through 74:*

71 (1) There is created the Land Use and Eminent Domain Advisory Board, within the

72 Office of the Property Rights Ombudsman, consisting of the following seven members :

73 (a) one individual representing {~~professional planners~~} special service districts , nominated
by the Utah {~~Chapter~~

74 of the American Planning Association} Association of Special Districts ;

4. *Page 3, Lines 83 through 84:*

83 (f) one individual representing the land development community, nominated by {~~Utah~~

84 farm organizations} the Utah Property Rights Coalition ; and

5. Page 4, Line 88:

88 (iii) is not currently employed, nor has been employed in the previous ~~{twelve}~~ 12 months.

6. Page 4, Line 114 through Page 5, Line 119:

114 ~~{(8)(a) The board shall advise the Office of the Property Rights Ombudsman on the~~
115 ~~conduct of his office and the performance of its duties.~~

116 ~~— (b) The Office of the Property Rights Ombudsman and attorneys working in the Office~~
117 ~~of the Property Rights Ombudsman serve at the pleasure of the board.~~

118 ~~— (c) The Office of the Property Rights Ombudsman and attorneys working in the Office~~
119 ~~of the Property Rights Ombudsman may not be removed without the concurrence of the board.}~~ (8)

The board shall:

(a) receive reports from the Office of the Property Rights Ombudsman that are requested by the board;

(b) establish rules of conduct and performance for the Office of the Property Rights Ombudsman;

(c) receive donations or contributions from any source for the Office of the Property Rights Ombudsman's benefit;

(d) subject to any restriction placed on a donation or contribution received under Subsection (c), authorize the expenditure of donations or contributions for the Office of the Property Rights Ombudsman's benefit;

(e) receive budget recommendations from the Office of the Property Rights Ombudsman; and

(f) revise budget recommendations received under Subsection (e).

7. Page 6, Line 146:

146 third ~~{-}~~ party rendering an advisory opinion under Section 13-42-205 or 13-42-206, may be

8. Page 9, Line 252

a. Senate Committee Amendments

b. 2-15-2006:

252 (1) A request for an advisory opinion under Section 13-42-205 shall be:

9. Page 9, Line 254

a. Senate Committee Amendments

b. 2-15-2006:

254 (b) accompanied by a filing fee of \$150 ~~{-00}~~ .

10. Page 9, Line 269

a. Senate Committee Amendments

b.2-15-2006:

269 pursuant to ~~{-subsections}~~ Subsections (4) and (5), the Office of the Property Rights Ombudsman
shall appoint

11. Page 10, Line 274:

274 (8) The neutral third party shall comply with the provisions of Section ~~{-78-31c-109}~~ 78-31a-
109 , and

12. Page 10, Lines 301 through 303

Senate Committee Amendments

2-15-2006:

301 (13) Unless filed by the local government, a request for an advisory opinion under
302 Section 13-42-205 does not stay the progress of a land use application, or the effect of a land
303 use decision.

= Section 9. Repealer.

This bill repeals:

Section 63-34-13, Property rights ombudsman -- Powers -- Arbitration procedures.