



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 26, 2013

Madam Speaker:

The Judiciary Committee reports a favorable recommendation on **1st Sub. H.B. 111**, EMINENT DOMAIN AMENDMENTS, by Representative L. Perry, with the following amendments:

1. *Page 6, Lines 168 through 176:*

168 ~~{(3)(a) If a request under this section involves an allegation of a taking by~~
 physical
169 occupation, a private property owner may request that the mediator or arbitrator
 authorize an
170 appraisal of the just compensation that would be due to the property owner if a
 taking has
171 occurred.
172 ~~—(b) If the mediator or arbitrator determines that an appraisal is reasonably~~
 necessary to
173 reach a resolution, the mediator or arbitrator may:
174 ~~—(i) have an appraisal prepared by an independent appraiser; and~~
175 ~~—(ii) require the entity that is alleged to have physically taken the property to pay~~
 the
176 cost of the appraisal.}

2. *Page 14, Line 427 through Page 15, Line 451:*

427 ~~{(4)(a) If an entity seeks to acquire property by eminent domain or intends to~~
 use
428 eminent domain to acquire property if the entity cannot acquire the property in a
 voluntary

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429 ~~transaction, the entity shall prepare and provide to the property owner as early as~~
430 ~~practicable in~~
431 ~~the negotiation process an appraisal or written calculation of the amount to be~~
432 ~~offered by the~~
433 ~~entity for the property.~~
434 ~~— (b) The written calculation shall separately state the fair market value of the~~
435 ~~property to~~
436 ~~be acquired and any damages to the remaining real property in accordance with~~
437 ~~Section~~
438 ~~78B-6-511.~~
439 ~~— (c) A person making the appraisal or written calculation shall:~~
440 ~~— (i) inspect the property in the process of providing the appraisal or calculation;~~
441 ~~and~~
442 ~~— (ii) notify the property owner or the owner's representative in advance that the~~
443 ~~property~~
444 ~~owner or property owner's representative may accompany the person making the~~
445 ~~appraisal or~~
446 ~~calculation during the inspection of the property.~~
447 ~~— (d) An entity may not offer an amount that is less than the fair market value of~~
448 ~~the~~
449 ~~property to be acquired together with any damages to the remaining real property~~
450 ~~determined in~~
451 ~~a manner consistent with the requirements of this part.~~
452 ~~— (5) (a) If the acquisition of a part of a property would leave its owner with an~~
453 ~~uneconomic remnant, the entity shall:~~
454 ~~— (i) make an offer to acquire the entire property for the property's fair market~~
455 ~~value; or~~
456 ~~— (ii) offer compensation in an amount that equals or exceeds the fair market~~
457 ~~value of the~~
458 ~~entire property.~~
459 ~~— (b) If an entity compensates a property owner for an uneconomic remnant, but~~
460 ~~does not~~
461 ~~take title of the uneconomic remnant, the property owner may keep the uneconomic~~
462 ~~remnant.~~



450 ~~(c) An entity may not acquire an uneconomic remnant over the objection of the~~
451 ~~property owner.~~}

Respectfully,

Kay L. McIff
Committee Chair

Voting: 7-0-2

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