

1st Sub. H.B. 111
EMINENT DOMAIN AMENDMENTS

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

447 entire property.
448 ~~—— (b) If an entity compensates a property owner for an uneconomic remnant, but does not~~
449 ~~take title of the uneconomic remnant, the property owner may keep the uneconomic remnant.~~
450 ~~—— (c) An entity may not acquire an uneconomic remnant over the objection of the~~
451 ~~property owner. }~~