

Ronald M. Winterton proposes the following substitute bill:

Mineral Rights Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill modifies provisions relating to information provided on the Office of the Property Rights Ombudsman's website about eminent domain and mineral rights.

Highlighted Provisions:

This bill:

▸ requires that information about eminent domain and mineral rights be provided on the Office of the Property Rights Ombudsman's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-43-203, as last amended by Laws of Utah 2018, Chapter 215

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

Section 1. Section **13-43-203** is amended to read:

13-43-203 . Office of the Property Rights Ombudsman -- Duties.

- (1) The Office of the Property Rights Ombudsman shall:
 - (a) develop and maintain expertise in and understanding of takings, eminent domain, and land use law;
 - (b) clearly identify the specific information that is prepared for distribution to property owners whose land is being acquired under the provisions of Section 78B-6-505;
 - (c) assist state agencies and local governments in developing the guidelines required by Title 63L, Chapter 4, Constitutional Takings Issues Act;
 - (d) at the request of a state agency or local government, assist the state agency or local

30 government, in analyzing actions with potential takings implications or other land use
31 issues;

32 (e) advise real property owners who:

33 (i) have a legitimate potential or actual takings claim against a state or local
34 government entity or have questions about takings, eminent domain, and land use
35 law; or

36 (ii) own a parcel of property that is landlocked, as to the owner's rights and options
37 with respect to obtaining access to a public street;

38 (f) identify state or local government actions that have potential takings implications
39 and, if appropriate, advise those state or local government entities about those
40 implications;

41 (g) provide information to private citizens, civic groups, government entities, and other
42 interested parties about takings, eminent domain, and land use law and their rights,
43 including a right to just compensation, and responsibilities under the takings, eminent
44 domain, or land use laws through seminars and publications, and by other appropriate
45 means;

46 (h)(i) ~~[provide the information described in Section 78B-6-505 on the Office of the~~
47 ~~Property Rights Ombudsman's website in a form that is easily accessible; and]~~
48 provide, in a form that is easily accessible, the following information on the
49 Office of the Property Rights Ombudsman's website:

50 (A) the information described in Section 78B-6-505;

51 (B) ~~Ĥ~~ → [a definition and] an ← ~~Ĥ~~ explanation of the term, "fee
51a simple title";

52 (C) an explanation of the implications for a property owner when fee simple title
53 is taken through eminent domain;

54 (D) ~~Ĥ~~ → [a notification] an explanation ← ~~Ĥ~~ that eminent domain
54a may include taking a recorded interest held
55 in real property, including a mineral right;

56 (E) ~~Ĥ~~ → [a notification] an explanation ← ~~Ĥ~~ that a property
56a owner may be compensated for a recorded
57 interest in real property, including a mineral right; and

58 (F) ~~Ĥ~~ → [a notification] an explanation ← ~~Ĥ~~ that a property
58a owner can request a separate valuation for a
59 recorded interest in real property; and

- 60 (ii) ensure that the information described in Subsection (1)(h)(i) is current; and
61 (i)(i) provide education and training regarding:
62 (A) the drafting and application of land use laws and regulations; and
63 (B) land use dispute resolution; and
64 (ii) use any money transmitted in accordance with Subsection 15A-1-209(5) to pay
65 for any expenses required to provide the education and training described in
66 Subsection (1)(i)(i), including grants to a land use training organization that:
67 (A) the Land Use and Eminent Domain Advisory Board, created in Section
68 13-43-202, selects and proposes; and
69 (B) the property rights ombudsman and the executive director of the Department
70 of Commerce jointly approve.
- 71 (2)(a) Neither the Office of the Property Rights Ombudsman nor its individual attorneys
72 may represent private parties, state agencies, local governments, or any other
73 individual or entity in a legal action that arises from or relates to a matter addressed
74 in this chapter.
- 75 (b) An action by an attorney employed by the Office of the Property Rights
76 Ombudsman, by a neutral third party acting as mediator or arbitrator under Section
77 13-43-204, or by a neutral third party rendering an advisory opinion under Section
78 13-43-205 or 13-43-206, taken within the scope of the duties set forth in this chapter,
79 does not create an attorney-client relationship between the Office of the Property
80 Rights Ombudsman, or the office's attorneys or appointees, and an individual or
81 entity.
- 82 (3) No member of the Office of the Property Rights Ombudsman nor a neutral third party
83 rendering an advisory opinion under Section 13-43-205 or 13-43-206, may be compelled
84 to testify in a civil action filed concerning the subject matter of any review, mediation,
85 or arbitration by, or arranged through, the office.
- 86 (4)(a) Except as provided in Subsection (4)(b), evidence of a review by the Office of the
87 Property Rights Ombudsman and the opinions, writings, findings, and determinations
88 of the Office of the Property Rights Ombudsman are not admissible as evidence in a
89 judicial action.
- 90 (b) Subsection (4)(a) does not apply to:
91 (i) actions brought under authority of Title 78A, Chapter 8, Small Claims Courts;
92 (ii) a judicial confirmation or review of the arbitration itself as authorized in Title
93 78B, Chapter 11, Utah Uniform Arbitration Act;

94 (iii) actions for de novo review of an arbitration award or issue brought under the
95 authority of Subsection 13-43-204(3)(a)(i); or

96 (iv) advisory opinions provided for in Sections 13-43-205 and 13-43-206.

97 Section 2. **Effective Date.**

98 This bill takes effect on May 7, 2025.