

# Meeting Outline

August 19, 2020 | Click [here](#) for online streaming, requests to comment, and committee information.

## Political Subdivisions Interim Committee

Online Meeting, Wednesday, August 19, 2020

1:15 p.m. – 3:45 p.m.

(Outline version: 08/18/20)

Anchor location for meeting: Room 20 House Building, State Capitol Complex, Salt Lake City, Utah  
*Due to public health restrictions, members of the public are not permitted to attend the meeting at the anchor location but are invited to participate [online](#).*

### 1. Committee Business

#### Background

- Call to order
- [Draft minutes of the June 17, 2020, meeting](#)
- New administrative assistant assigned: Finn Rose

#### Potential Action

- Approve draft minutes of the June 17, 2020, meeting.

### 2. Emergency Powers and the State of Emergency in Response to the COVID-19 Pandemic

### 3. Municipal Annexation Considerations

#### Background

In the 2020 General Session, [H.B. 359S1 – Municipal Annexation Revisions](#), passed the Legislature. One of the provisions of the bill allowed a municipality to annex an unincorporated area without an annexation petition or the consent of the county in which the area proposed for annexation is located, under certain conditions.

This agenda item will provide for a discussion regarding the repeal of that provision in [H.B. 6007 Municipal Annexation Revisions](#).

#### Presenters

- **Representative Calvin R. Musselman**
- **Lincoln Shurtz**, Director of Government Affairs, Utah Association of Counties

#### 4. Eminent Domain Overview

*The committee will receive a holistic review of eminent domain in Utah.*

##### Background

In the 2020 General Session, the Legislature was presented with four separate eminent domain bills: [H.B. 133](#), [H.B. 198](#), [H.B. 261](#), and [S.B. 205](#). The House Political Subdivisions Standing Committee heard three out of those four bills:

- [H.B. 198 Eminent Domain Limitations](#)
- [S.B. 205S1 Eminent Domain Modifications](#)
- [H.B. 261S1 Eminent Domain Revisions](#)

Both S.B. 205S1 and H.B.198 were passed by the Legislature.

As a result of hearing several different eminent domain bills the committee expressed some desire to review eminent domain from a holistic perspective. As such, the committee meeting is designed to provide the committee with four separate perspectives:

1. A broad, holistic overview of eminent domain.
2. The legislative history of how eminent domain has progressed over the years in Utah to help protect private property rights.
3. The perspective from the Utah Department of Transportation, the primary user of eminent domain in the state.
4. The perspective from cities and towns regarding the main issue they are facing.

The following are documents produced by the Office of Legislative Research and General Counsel to provide some additional clarification:

- [Eminent Domain Policy Brief](#)
- [Eminent Domain Process Flow Chart](#)

The following are presentations as part of this agenda item:

- [Overview of Eminent Domain](#)
- [Major Legislative Reforms to Eminent Domain](#)
- [2020 General Session Eminent Domain Bills](#)
- [Utah Department of Transportation Website](#)
- [Utah Department of Transportation: Case Studies](#)

## Issues

### *Overview*

- What is eminent domain?
- Who has eminent domain power?
- Under what authority?
- Under what circumstances?
- What is the process in Utah?
- What is the role of the Property Rights Ombudsman and how can they assist in the process?

### *Legislative History*

- How has Utah statute developed over the years to help protect private property rights?

### *2020 General Session: Legislation Briefing*

- What bills were presented to the Legislature during the 2020 General Session?

### *Primary Users of Eminent Domain*

- How does the Utah Department of Transportation (UDOT) use it?
- For what reasons?
- What is the process?
- How often does UDOT use eminent domain?

### *Municipality Perspective*

- What issues are cities and towns facing?
- Are there places in code that may need modification?

## Presenters

### *Overview*

- **Jordan Cullimore**, Lead Attorney/Division Director, Office of the Property Rights Ombudsman

### *Legislative History*

- **Brent Bateman**, Attorney, Former Property Rights Ombudsman

### *2020 General Session: Legislation Briefing*

- **Gus Harb**, Attorney, Office of Legislative Research and General Counsel

### *Primary Users of Eminent Domain*

- **Charles Stormont**, Director of Right of Way, Utah Department of Transportation

### *Municipality Perspective*

- **Gary Crane**, City Attorney, Layton City

## Potential Action

- Request additional information.
- Request draft legislation.

## 5. Sunset Review: Land Use and Eminent Domain Advisory Board

*The committee will consider a repeal of the board.*

### Background

The purpose of a sunset review is to examine boards, programs, etc. to evaluate if they are serving a clear public purpose and if there are ways to improve them. The Political Subdivisions Interim Committee is tasked with reviewing the sunset on Land Use and Eminent Domain Advisory Board, which is set to be repealed July 1, 2021 per [Utah Code 63I-1-213](#). The Land Use and Eminent Domain Advisory Board was created in [Section 13-43-202](#) which states the board membership requirements and responsibilities.

As such, the interim committee is charged by statute with specific responsibilities to understand the extent with which the board is operating within the public interest and if it needs to be improved in statute. Interim committee guidelines regarding what committee members should consider can be found here:

- [Sunset Reviews: A Brief Overview](#)

### Issues

- Is the board **necessary?**
- Is the board **accomplishing its objective?**
- Are there **ways to improve it?**

### Presenters

- **Jordan Cullimore**, Lead Attorney/Division Director, Office of the Property Rights Ombudsman

### Potential Action

- Allow board to expire.
- Recommend legislation to:
  - Reauthorize the board for a specific time that is less than or equal to 10 years or make permanent.
  - Repeal.
  - Improve.

## 6. Other items/Adjourn