

STATE SETTLEMENT AGREEMENT

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lane Beattie**

AN ACT RELATING TO STATE SETTLEMENT AGREEMENTS; MODIFYING REQUIREMENTS RELATING TO APPROVAL OF SETTLEMENTS FOR DEPARTMENT OF TRANSPORTATION CONDEMNATION CASES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**63-38b-104**, as enacted by Chapter 313, Laws of Utah 1995

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

Section 1. Section **63-38b-104** is amended to read:

**63-38b-104. Legislative review and approval of settlement agreements.**

(1) (a) [Before] Except as provided in Subsection (1)(c) and before legally binding the state by executing a settlement agreement that might cost government entities more than \$500,000 to implement, an agency shall:

(i) submit the proposed settlement agreement to the governor for his approval or rejection as required by Section 63-38b-103; and

(ii) if the governor approves the settlement agreement, submit the settlement agreement to the Legislative Management Committee for its review and recommendations.

(b) The Legislative Management Committee shall review the settlement agreement and may:

(i) recommend that the agency execute the settlement agreement;

(ii) recommend that the agency reject the settlement agreement; or

(iii) recommend to the governor that he call a special session of the Legislature to review and approve or reject the settlement agreement.

(c) The Department of Transportation need not submit settlement agreements resolving condemnation cases to the Legislative Management Committee, unless the difference between the

Department of Transportation's original appraisal on the property and the amount of the settlement is greater than \$500,000.

(2) (a) [~~Before~~] Except as provided in Subsection (2)(d) and before legally binding the state by executing a settlement agreement that might cost government entities more than \$1,000,000 to implement, an agency shall:

(i) submit the proposed settlement agreement to the governor for his approval or rejection as required by Section 63-38b-103; and

(ii) if the governor approves the settlement agreement, submit the settlement agreement to the Legislature for its approval in an annual general session or a special session.

(b) (i) If the Legislature approves the settlement agreement, the agency may execute the agreement.

(ii) If the Legislature rejects the settlement agreement, the agency may not execute the agreement.

(c) If an agency executes a settlement agreement without obtaining the Legislature's approval under this [section] Subsection (2):

(i) the governor may issue an executive order declaring the settlement agreement void; or

(ii) the Legislature may pass a joint resolution declaring the settlement agreement void.

(d) The Department of Transportation need not submit settlement agreements resolving condemnation cases to the Legislature, unless the difference between the Department of Transportation's original appraisal on the property and the amount of the settlement is greater than \$1,000,000.