

1st Sub. S.B. 268
PROPERTY RIGHTS OMBUDSMAN

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 27, 2006

8:36 AM

Representative **Gordon E. Snow** proposes the following amendments:

1. *Page 2, Lines 51 through 55*

Senate 2nd Reading Amendments

2-21-2006:

51 (2) "Takings and eminent domain law" means the provisions of the federal and state
52 constitutions, the case law interpreting those provisions, and any relevant statutory provisions
53 that :
 (a) involve constitutional issues arising from the use or ownership of real property {-or} :
 (b) require a
54 governmental unit to compensate a real property owner for a constitutional taking : or
 (c) provide
55 for relocation assistance to those persons who are displaced by the use of eminent domain.

2. *Page 3, Line 65*

Senate 2nd Reading Amendments

2-21-2006:

65 (3) {The} A person appointed under this section is an exempt employee.

3. *Page 3, Lines 83 through 84*

a. Senate 2nd Reading Amendments

b. 2-21-2006:

83 (f) one individual representing the land development community, jointly nominated by Ŝ→ [Utah
84 farm organizations] the {Utah Property Rights Coalition} Utah Association of Realtors and the
Home Builders Association of Utah ←Ŝ ; and

4. *Page 5a, Line 142 through Page 6, Line 161*

Senate 2nd Reading Amendments

2-21-2006:

142 (2) The Office of the Property Rights Ombudsman may not represent private property
143 owners, state agencies, or local governments in court or in adjudicative proceedings under Title
144 63, Chapter 46b, Administrative Procedures Act.
145 (3) No member of the Office of the Property Rights Ombudsman nor a neutral

146 third ~~§~~ [=] ~~←~~ party rendering an advisory opinion under Section 13-42-205 or 13-42-206, may be
147 compelled to testify in a civil action filed concerning the subject matter of any review,
148 mediation, or arbitration by, or arranged through, the office.

149 (4) (a) Except as provided in Subsection (4)(b), evidence of a review by the Office of
150 the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the
151 Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action.

152 (b) Subsection (4)(a) does not apply to:

153 (i) actions brought under authority of Title 78, Chapter 6, Small Claims Courts;

154 (ii) a judicial confirmation or review of the arbitration itself as authorized in Title 78,

155 Chapter 31a, Utah Uniform Arbitration Act;

156 (iii) actions for de novo review of an arbitration award or issue brought under the
157 authority of Subsection 13-42-204(3)(i); or

158 (iv) advisory opinions provided for in Sections 13-42-205 and 13-42-206.

159 { ~~(5) The Office of the Property Rights Ombudsman may not represent private property~~
160 ~~owners, state agencies, or local governments in court or in adjudicative proceedings under Title~~
161 ~~63, Chapter 46b, Administrative Procedures Act. }~~

5. Page 7, Line 205:

205 reason other than those stated in Subsection ~~{(4)}~~ ~~(3)~~ (b) and one or both parties are willing to pay for