

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE**

Room W125, West Office Building, State Capitol Complex
Thursday, February 15, 2007

MEMBERS PRESENT: Rep. Fred R Hunsaker, Chair
 Rep. Scott L Wyatt, Vice Chair
 Rep. Sheryl L. Allen
 Rep. D. Gregg Buxton
 Rep. James A. Dunnigan
 Rep. Gage Froerer
 Rep. Kerry W. Gibson
 Rep. Jennifer M. Seelig
 Rep. LaWanna Lou Shurtliff
 Rep. Stephen H. Urquhart

MEMBERS ABSENT: Rep. Ralph Becker

STAFF PRESENT: Joseph Wade, Policy Analyst
 Doris Donat, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hunsaker called the meeting to order at 8:39 a.m.

MOTION: Rep. Shurtliff moved to approve the minutes of February 9, 2007. The motion passed unanimously, with Rep. Allen, Rep. Becker, and Rep. Buxton absent for the vote.

H.B. 365 Eminent Domain Authority of Community Development and Renewal Agencies (Rep. S. Urquhart)

Rep. Urquhart introduced and explained the bill to the Committee, with the help of Lincoln Shurtz, Utah League of Cities and Towns.

MOTION: Rep. Wyatt moved to amend H.B. 365 as follows:

1. Page 1, Line 15:

15 eminent domain in an urban renewal project area under certain circumstances and in an earlier established project area if, under prior law, the agency made a finding of blight and other conditions are met ;

2. *Page 1, Line 22:*

22 may acquire property by eminent domain;

► provides that an agency need not provide relocation assistance to an owner of property that does not qualify for the 45% residential reduction in fair market value;

3. *Page 2, Line 49:*

49 (a) **any interest in** property within an urban renewal project area, subject to Chapter 2, Part 6, Eminent

4. *Page 3, Lines 78 through 79:*

78 property **:**

(a) within an urban renewal project area if:

79 ~~{(a)}~~ **(i)** the agency board makes a finding of blight under Part 3, Blight Determination in

5. *Page 3, Lines 82 through 84:*

82 ~~{(b)}~~ **(ii)** the urban renewal project area plan provides for the use of eminent domain; and

83 ~~{(c)}~~ **(iii)** the agency commences the acquisition of the property within five years after the

84 effective date of the urban renewal project area plan ~~{.}~~ **; or**

(b) within a project area established after December 31, 2001 but before April 30, 2007 if:

(i) the agency board made a finding of blight with respect to the project area as provided under the law in effect at the time of the finding;

(ii) the project area plan provides for the use of eminent domain; and

(iii) the agency commences the acquisition of the property before January 1, 2010.

6. *Page 4, Lines 102 through 105:*

102 (4) (a) Subject to Subsection (4)(b), an agency may acquire by eminent domain

103 property ~~{within the urban renewal project area}~~ that is already devoted to a public use **and located in:**

(i) an urban renewal project area; or

(ii) a project area described in Subsection (1)(b) .
104 (b) An agency may not acquire property of a public entity ~~{within an urban renewal~~
105 ~~project area}~~ under Subsection (4)(a) without the public entity's consent.

7. Page 4, Line 106:

106 (5) ~~{Each}~~ (a) Except as provided in Subsection (5)(b), each agency that
acquires property by eminent domain shall comply with Title 57,

8. Page 4, Line 107:

107 Chapter 12, Utah Relocation Assistance Act.

(b) An agency need not provide relocation assistance under Title 57, Chapter 12, Utah Relocation Assistance Act, to an owner of property that does not qualify for the 45% fair market value reduction under Section 59-2-103.

The motion passed unanimously, with Rep. Becker absent for the vote.

MOTION: Rep. Froerer moved to recommend H.B. 365 favorably as amended. The motion passed unanimously, with Rep. Becker absent for the vote.

MOTION: Rep. Buxton moved to adjourn the meeting. The vote was unanimous. Rep. Hunsaker adjourned the meeting at 9:00 a.m.

Rep. Fred R Hunsaker, Chair