

**2nd Sub. H.B. 334**  
**EMINENT DOMAIN**

Representative **Lorie D. Fowlke** proposes the following amendments:

1. *Page 1, Lines 17 through 18:*

17           {~~→ excludes emergency access ways and open land as public uses for which eminent~~  
18    ~~domain may be used;~~}

2. *Page 2, Lines 51 through 52:*

51           (v) roads, streets, and alleys for public vehicular use, excluding {~~→~~  
52    ~~——(A)}~~ trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other

3. *Page 2, Line 55:*

55           {~~(B) paths, lanes, or other ways for emergency access; and~~}

4. *Page 5, Line 149 through Page 6, Line 156:*

149           {~~(2) The change to Subsection 78-34-1(3) made by S.B. 117 was an effort to state~~  
150    ~~explicitly an existing principle of eminent domain that had not previously been as explicitly~~  
151    ~~stated. A clarification of the intent behind the change to Subsection 78-34-1(3) will benefit all~~  
152    ~~those applying and interpreting this provision of the Utah Code;~~  
153    ~~——(3) The Legislature viewed Section 78-34-1, before the passage of S.B. 117 from the~~  
154    ~~2006 General Session, as excluding trails, paths, or other ways for walking, hiking, bicycling,~~  
155    ~~equestrian use, or other recreational uses, from the public uses for which eminent domain may~~  
156    ~~be used.}~~}