

3rd Sub. H.B. 334
EMINENT DOMAIN

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

1. *Page 1, Lines 12 through 13:*

12 { ~~→ establishes a task force to study issues related to eminent domain and provides for~~
13 ~~task force membership, duties, compensation, and reporting requirements;~~ }

2. *Page 1, Lines 17 through 19:*

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

19 ▶ excludes certain portions of parks from the scope of what is a public use for purposes of

3. *Page 2, Line 29:*

29 { ~~This bill provides a November 30, 2007 repeal date for certain sections of this bill.~~ }

4. *Page 2, Lines 52 through 53:*

52 (e) roads, streets, and alleys for public vehicular use, excluding { ~~→~~

53 ~~— (i)~~ } trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other

5. *Page 2, Line 56:*

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

6. *Page , Line 88 through Page 4, Line 88:*

88 (11) cemeteries and public parks[-], except for a portion of a park { ~~whose~~ } if the primary
use of the portion is:

7. *Page 4, Line 107 through Page 5, Line 140:*

107 { ~~— Section 2. Eminent Domain Task Force -- Creation -- Membership -- Interim~~

108 ~~rules followed -- Compensation -- Staff.~~

109 ~~— (1) There is created the Eminent Domain Task Force consisting of the following 11~~

110 ~~members:~~

111 ~~— (a) three members of the Senate appointed by the president of the Senate, no more than~~

112 ~~two of whom may be from the same political party; and~~

113 ~~— (b) eight members of the House of Representatives appointed by the speaker of the~~
114 ~~House of Representatives, no more than five of whom may be from the same political party.~~
115 ~~— (2) (a) The president of the Senate shall designate a member of the Senate appointed~~
116 ~~under Subsection (1)(a) as a cochair of the task force.~~
117 ~~— (b) The speaker of the House of Representatives shall designate a member of the House~~
118 ~~of Representatives appointed under Subsection (1)(b) as a cochair of the task force.~~
119 ~~— (3) In conducting its business, the task force shall comply with the rules of legislative~~
120 ~~interim committees.~~
121 ~~— (4) Salaries and expenses of the members of the task force shall be paid in accordance~~
122 ~~with Section 36-2-2 and Legislative Joint Rule 15.03.~~
123 ~~— (5) The Office of Legislative Research and General Counsel shall provide staff support~~
124 ~~to the task force.~~
125 ~~— Section 3. Duties -- Interim report.~~
126 ~~— (1) The task force shall review and make recommendations on the following issues:~~
127 ~~— (a) the policy of the state regarding the public uses for which property may be taken by~~
128 ~~eminent domain;~~
129 ~~— (b) whether current statutory provisions relating to eminent should be revised and~~
130 ~~updated; and~~
131 ~~— (c) other issues relating to eminent domain that the task force considers appropriate.~~
132 ~~— (2) A final report, including any proposed legislation shall be presented to the Political~~
133 ~~Subdivisions Interim Committee Interim Committee before November 30, 2007.~~
134 ~~— Section 4. Appropriation.~~
135 ~~— There is appropriated from the General Fund for fiscal year 2006-07 only:~~
136 ~~— (1) \$8,000 to the Senate to pay for the compensation and expenses of senators on the~~
137 ~~task force; and~~
138 ~~— (2) \$21,000 to the House of Representatives to pay for the compensation and expenses~~
139 ~~of representatives on the task force.}~~
140 Section { -5 } 2 . Legislative intent.

8. Page , Line 150 through Page 6, Line 155:

150 { ~~— (2) These changes to Section 78-34-1 made by S.B. 117 and this bill are efforts to state~~
151 ~~explicitly existing principles of eminent domain that had not previously been as explicitly~~
152 ~~stated. A clarification of the intent behind these changes will benefit all those applying and~~
153 ~~interpreting this provision of the Utah Code. It is not the intent of the Legislature to affect any~~
154 ~~action that has had final adjudication.}~~
155 { (3) } (2) The Legislature { viewed } views Section 78-34-1, { before } with
the passage of S.B. 117 from the

9. Page 6, Line 158:

158 be used. The Legislature ~~{viewed}~~ views Section 78-34-1, ~~{before}~~ with the passage of this
bill, as excluding

10. Page 6, Lines 162 through 168:

162 ~~{(4) In passing S.B. 117, it was the intent of the Legislature that the addition of new~~
163 ~~language to Subsection 78-34-1(3) after the word "alleys" was to state explicitly those~~
164 ~~enumerated exclusions that had not previously been as explicitly stated. In passing this bill, it~~
165 ~~is the intent of the Legislature that the addition of new language to Subsection 78-34-1(11)~~
166 ~~after the word "parks" is to state explicitly the enumerated exclusions that had not previously~~
167 ~~been as explicitly stated.}~~

168 Section ~~{6}~~ 3 . Effective date.

11. Page 6, Lines 173 through 174:

173 ~~{Section 7. Repeal date:~~
174 ~~Sections 2 through 4 of this bill are repealed November 30, 2007.}~~