

1st Sub. H.B. 323

EMINENT DOMAIN AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 12, 2008 4:34 PM

Representative **Todd E. Kiser** proposes the following amendments:

1. *Page 1, Lines 15 through 16:*

15 ▶ excludes specified emergency access ways as a public use for which eminent domain may be
16 used; ~~{and}~~

2. *Page 1, Line 18:*

18 eminent domain ~~{-}~~ : and

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3. *Page 1, Line 25:*

25 78B-6-501, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

78B-6-523, Utah Code Annotated 1953

4. *Page 2, Lines 44 through 45:*

44 (i) trails, paths, or other ways :

(A) for walking, hiking, bicycling, equestrian use, or other

45 recreational uses ~~{-}~~ : or

(B) whose primary purpose is as a foot path, equestrian trail, bicycle path, or

5. *Page 2, Line 47:*

47 (ii) paths, lanes, or other ways for emergency access whose primary purpose is as a foot path,

equestrian trail, bicycle path, or walkway : and

6. *Page 4, Line 100:*

100 reduction of ores.

Section 2. Section 78B-6-523 is enacted to read:

78B-6-523. Sale of emergency access acquired by eminent domain.

(1) As used in this section:

(a) "Alternate emergency access" means a road, path, lane, or other way that provides substantially equivalent access to the land to which an emergency access provides access.

(b) "Emergency access" means a path, lane, or other way that allows access to land in the event of

an emergency.

(c) "Obsolete emergency access" means an emergency access that is no longer needed because of the presence of an alternate emergency access.

(d) "Original owner" means the owner of an emergency access at the time it is acquired by eminent domain.

(2) Each person or entity that has acquired by eminent domain an emergency access that becomes an obsolete emergency access shall, at that time, offer the obsolete emergency access for sale to the original owner.