

1 **EMINENT DOMAIN AUTHORITY**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Christopher N. Herrod**

5 Senate Sponsor: Stephen H. Urquhart

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes the state to exercise eminent domain authority on property
10 possessed by the federal government unless the property was acquired by the federal
11 government with the consent of the Legislature and in accordance with the United
12 States Constitution Article I, Section 8, Clause 17.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ authorizes the state to exercise eminent domain authority on property possessed by
16 the federal government unless the property was acquired by the federal government
17 with the consent of the Legislature and in accordance with the United States
18 Constitution Article I, Section 8, Clause 17.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **78B-6-503.5**, Utah Code Annotated 1953

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **78B-6-503.5** is enacted to read:

29 **78B-6-503.5**. **Other property which may be taken -- State as plaintiff.**

30 (1) Subject to Subsections (2) and (3), property which may be taken under this part
31 includes property possessed by the federal government unless the property was acquired by the
32 federal government with the consent of the Legislature and in accordance with the United
33 States Constitution Article I, Section 8, Clause 17.

34 (2) The state shall be the plaintiff described in Section 78B-6-507 in an action to
35 condemn property described in Subsection (1).

36 (3) The following do not apply to an action authorized under Subsection (1):

37 (a) Section 78B-6-505;

38 (b) Section 78B-6-520;

39 (c) Section 78B-6-521; and

40 (d) Title 57, Chapter 12, Relocation Assistance.