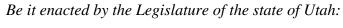
€ 01-06-10 9:39 AM **€**

EMINENT DOMAIN AMENDMENTS
2010 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Lyle W. Hillyard
House Sponsor:
LONG TITLE
General Description:
This bill requires that a person exercising the right of eminent domain bare the burden
of proof in an eminent domain action and requires a court to award a defendant to an
eminent domain action costs if the defendant prevails in the action.
Highlighted Provisions:
This bill:
requires that a person exercising the right of eminent domain bare the burden of
proof in an eminent domain action;
requires a court to award a defendant to an eminent domain action costs if the
defendant prevails in the action; and
makes technical corrections.
Monies Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
78B-6-509 , as renumbered and amended by Laws of Utah 2008, Chapter 3





28	Section 1. Section 78B-6-509 is amended to read:
29	78B-6-509. Powers of court or judge Judicial review Attorney fees.
30	(1) The court shall have the power to:
31	[(1)] (a) hear and determine all adverse or conflicting claims to the property sought to
32	be condemned, and the damages; and
33	[(2)] (b) determine the respective rights of different parties seeking condemnation of
34	the same property.
35	(2) For an action brought under this part, a person filing a complaint described in
36	Section 78B-6-507 shall have the burden to prove by a preponderance of the evidence that the
37	person has:
38	(a) exercised the right of eminent domain for a use described in Section 78B-6-501;
39	<u>and</u>
40	(b) met the requirements, if applicable, set forth in Sections 78B-6-504 and 78B-6-505.
41	(3) If a person described in Section 78B-6-508 prevails in an action brought under this
42	part, the court shall award the person costs, including reasonable attorney fees.

Legislative Review Note as of 12-9-09 12:53 PM

S.B. 81

Office of Legislative Research and General Counsel

01-06-10 9:39 AM

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S.B. 81 - Eminent Domain Amendments

Fiscal Note

2010 General Session State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/21/2010, 2:45:14 PM, Lead Analyst: Bleazard, M./Attny: VA

Office of the Legislative Fiscal Analyst