

Representative David Litvack proposes the following substitute bill:

EMINENT DOMAIN OF FEDERAL LAND

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the condemnation of certain property possessed by the federal government.

Highlighted Provisions:

This bill:

- ▶ authorizes a political subdivision to exercise eminent domain authority on certain property possessed by the federal government;
 - ▶ establishes certain conditions before the state or a political subdivision may exercise eminent domain authority on certain property possessed by the federal government;
- and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2014.

Utah Code Sections Affected:

AMENDS:

78B-6-503.5, as enacted by Laws of Utah 2010, Chapter 250



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

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

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

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

(2) The state or a political subdivision:

(a) shall be the plaintiff described in Section 78B-6-507 in an action to condemn property described in Subsection (1)~~[-];~~ and

(b) may not file an action to condemn property described in Subsection (1) unless:

(i) the state or political subdivision, respectively, proposes a land management plan for the property; and

(ii) the land management plan is adopted in a concurrent resolution passed by both houses of the Legislature and approved by the governor.

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

(a) Section 78B-6-505;

(b) Section 78B-6-520;

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

(d) Title 57, Chapter 12, Utah Relocation Assistance Act.

Section 2. **Effective date.**

This bill takes effect on January 1, 2014.