

## SB0229S01 compared with SB0229

~~deleted text~~ shows text that was in SB0229 but was deleted in SB0229S01.

inserted text shows text that was not in SB0229 but was inserted into SB0229S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Curtis S. Bramble proposes the following substitute bill:

### APPELLATE BOND FOR STATE ENTITIES

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: ~~\_\_\_\_\_~~ Brad L. Dee

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#### LONG TITLE

##### General Description:

This bill requires that ~~political subdivisions~~ municipalities post a bond on appeal of a judgment over \$5,000,000.

##### Highlighted Provisions:

This bill:

- ▶ requires that ~~political subdivisions~~ municipalities post a bond on appeal of a judgment over \$5,000,000.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

~~None~~ This bill provides an immediate effective date.

##### Utah Code Sections Affected:

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REPEALS AND REENACTS:

**78B-5-805**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-5-805** is repealed and reenacted to read:

**78B-5-805. State, state officers, and political subdivisions not required to give bond -- Exception for appeal.**

(1) Except as provided in Subsection (3), the state, any state officer acting in an official capacity on behalf of the state, or any county, city, or public corporation may not be required to post a bond, written undertaking, or security in order to pursue a civil action.

(2) Upon compliance with the other provisions of the law, the state, any state officer acting in an official capacity, or any county, city, or other public corporation, has the same rights, remedies, and benefits as if the bond, undertaking, or security were given and approved as required by law.

(3) A ~~{county, city, local district, or public corporation}~~municipality is not exempt from the requirement of posting a bond, obligation, or other security when appealing a judgment for any amount in excess of \$5,000,000. To stay the enforcement of any judgment over \$5,000,000, a ~~{county, city, local district, or public corporation}~~municipality shall be required to post security with the appellate court in the amount by which the judgment exceeds the sum of \$5,000,000 and for any interest that may accrue during the appeal.

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**Legislative Review Note**

~~as of 2-22-13 1:39 PM~~

~~Office of Legislative Research and General Counsel~~ **Section 2. Effective date.**

**If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,**

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the date of veto override.