

H.B. 364

EMINENT DOMAIN AND PUBLIC RECREATION

Representative **Marc K. Roberts** proposes the following amendments:

1. *Page 1, Line 24 through Page 3, Line 85:*

- 24 (1) Subject to the provisions of this part, the right of eminent domain may be exercised on
25 behalf of the following public uses:
- 26 ~~{(1)}~~ (a) all public uses authorized by the federal government;
- 27 ~~{(2)}~~ (b) public buildings and grounds for the use of the state, and all other public uses
28 authorized by the Legislature;
- 29 ~~{(3)(a)}~~ (c)(i) public buildings and grounds for the use of any county, city, town, or board of
30 education;
- 31 ~~{(b)}~~ (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or
32 sewage, including to or from a development, for the use of the inhabitants of any county, city,
33 or town, or for the draining of any county, city, or town;
- 34 ~~{(c)}~~ (iii) the raising of the banks of streams, removing obstructions from streams, and
35 widening, deepening, or straightening their channels;
- 36 ~~{(d)}~~ (iv) bicycle paths and sidewalks adjacent to paved roads;
- 37 ~~{(e)}~~ (v) roads, byroads, streets, and alleys for public vehicular use, including for access to a
38 development, excluding trails, paths, or other ways for walking, hiking, bicycling, equestrian
39 use, or other recreational uses, or whose primary purpose is as a foot path, equestrian trail,
40 bicycle path, or walkway; and
- 41 ~~{(f)}~~ (vi) all other public uses for the benefit of any county, city, or town, or its inhabitants;
- 42 ~~{(4)}~~ (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank
43 and turnpike roads, roads for transportation by traction engines or road locomotives, roads for
44 logging or lumbering purposes, and railroads and street railways for public transportation;
- 45 ~~{(5)}~~ (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and pipes
46 for the supplying of persons, mines, mills, smelters or other works for the reduction of ores,
47 with water for domestic or other uses, or for irrigation purposes, or for the draining and
48 reclaiming of lands, or for the floating of logs and lumber on streams not navigable, or for solar
49 evaporation ponds and other facilities for the recovery of minerals in solution;
- 50 ~~{(6)(a)}~~ (f)(i) roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places
51 to access or facilitate the milling, smelting, or other reduction of ores, or the working of mines,
52 quarries, coal mines, or mineral deposits including oil, gas, and minerals in solution;
- 53 ~~{(b)}~~ (ii) outlets, natural or otherwise, for the deposit or conduct of tailings, refuse or water
54 from mills, smelters or other works for the reduction of ores, or from mines, quarries, coal

55 mines or mineral deposits including minerals in solution;
56 ~~{(c)}~~ (iii) mill dams;
57 ~~{(d)}~~ (iv) gas, oil or coal pipelines, tanks or reservoirs, including any subsurface stratum or
58 formation in any land for the underground storage of natural gas, and in connection with that,
59 any other interests in property which may be required to adequately examine, prepare,
60 maintain, and operate underground natural gas storage facilities;
61 ~~{(e)}~~ (v) solar evaporation ponds and other facilities for the recovery of minerals in solution;
62 and
63 ~~{(f)}~~ (vi) any occupancy in common by the owners or possessors of different mines, quarries,
64 coal mines, mineral deposits, mills, smelters, or other places for the reduction of ores, or any
65 place for the flow, deposit or conduct of tailings or refuse matter;
66 ~~{(7)}~~ (g) byroads leading from a highway to:
67 ~~{(a)}~~ (i) a residence; or
68 ~~{(b)}~~ (ii) a farm;
69 ~~{(8)}~~ (h) telegraph, telephone, electric light and electric power lines, and sites for electric
70 light and power plants;
71 ~~{(9)}~~ (i) sewage service for:
72 ~~{(a)}~~ (i) a city, a town, or any settlement of not fewer than 10 families;
73 ~~{(b)}~~ (ii) a public building belonging to the state; or
74 ~~{(c)}~~ (iii) a college or university;
75 ~~{(10)}~~ (j) canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and
76 storing water for the operation of machinery for the purpose of generating and transmitting
77 electricity for power, light or heat;
78 ~~{(11)}~~ (k) cemeteries and public parks, except for a park whose primary use is:
79 ~~{(a)}~~ (i) as a trail, path, or other way for walking, hiking, bicycling, or equestrian use; ~~{or}~~
80 ~~{(b)}~~ (ii) to connect other trails, paths, or other ways for walking, hiking, bicycling, or
81 equestrian use; or
82 ~~{(c)}~~ (iii) except as provided in Subsection (2), as a golf course;
83 ~~{(12)}~~ (l) pipelines for the purpose of conducting any and all liquids connected with the
84 manufacture of beet sugar; and
85 ~~{(13)}~~ (m) sites for mills, smelters or other works for the reduction of ores and necessary to

2. Page 4, Line 97:

97 reduction of ores.

(2) Subsection (1)(k)(iii) does not apply to an exercise of eminent domain by the Department of Transportation to acquire property intended, in whole or in part, for use as a golf course if the property acquired by eminent domain is needed:

(a)(i) to exchange for other real property that is devoted to or held for public use; and
(ii) for a state transportation purpose; or

(b) to mitigate the impacts of a public transportation project.