



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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January 30, 2024

Mr. Speaker,

The Judiciary Committee reports a favorable recommendation on **H.B. 289**, PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, by Representative K. Birkeland, with the following amendments:

1. *Page 1, Lines 11 through 16:*

- 11 This bill:
- 12 ▶ clarifies that a party who prevails in court on an issue that the Office of  
Property  
13 Rights Ombudsman previously decided in the party's favor is entitled to an award of  
14 attorney fees;
- 15 ▶ provides that the party described above ~~{is entitled to}~~ may be  
entitled to a civil penalty and consequential damages; and
- 16 ▶ makes technical and conforming changes.

2. *Page 3, Lines 69 through 79:*

- 69 (12) Subject to Subsection (13), if the Office of the Property Rights Ombudsman  
issues  
70 an advisory opinion described in this section, and if the same issue that is the subject of  
the  
71 advisory opinion is subsequently litigated in court on a cause of action alleging the same  
facts  
72 and circumstances that are at issue in the advisory opinion, and if the court resolves the  
issue  
73 consistent with the advisory opinion, the court ~~{shall award the substantially~~  
~~prevailing party}~~ ∴  
74 (a) shall award the substantially prevailing party:  
(i) reasonable attorney fees and court costs pertaining to the development of the

Bill Number



HB0289

Action Class



H

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cause  
75 of action from the date the Office of the Property Rights Ombudsman delivers the  
advisory  
76 opinion to the date of the court's resolution; and  
77 ~~{(b) consequential damages; and~~  
78 ~~(c)}~~ (ii) if the court finds that the opposing party knowingly and  
intentionally violated the  
79 law governing the cause of action, a civil penalty of \$250 per day ~~{.~~ ; =  
and  
(b) may award the substantially prevailing party consequential damages.

Respectfully,

Nelson Abbott  
Vice Chair

Voting: 8-2-2

5 HB0289.HC1.wpd 1/30/24 6:24 pm jonadams/JOA MC3/AJS

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