



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 20, 2024

Mr. President,

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. 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}~~ provides that a party who prevails in court on an issue
that the Office of the Property
- 13 Rights Ombudsman previously decided in the party's favor ~~{is}~~ may be
entitled to an award of
- 14 attorney fees;
- 15 ▶ provides that the party described above may be entitled to collect a civil penalty
and
- 16 consequential damages in certain circumstances ; and

2. *Page 3, Lines 70 through 74:*

- 70 (12) Subject to Subsection (13), if the Office of the Property Rights Ombudsman
issues
- 71 an advisory opinion described in this section, and if the same issue that is the subject of
the
- 72 advisory opinion is subsequently litigated in court on a cause of action alleging the same
facts
- 73 and circumstances that are at issue in the advisory opinion, and if the court resolves the

Bill Number



HB0289S02

Action Class



S

Action Code



SCRAMD

issue
74 consistent with the advisory opinion, the court ~~{shall}~~ may award the
substantially prevailing party:

Respectfully,

Curtis S. Bramble
Chair

Voting: 5-0-3

5 HB0289.SC1.wpd 2/20/24 9:20 am rwood/RW MC3/AJS