

EMINENT DOMAIN AUTHORITY

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill authorizes the state to exercise eminent domain authority on 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.

Highlighted Provisions:

This bill:

- ▶ authorizes the state to exercise eminent domain authority on 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.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-6-503.5, Utah Code Annotated 1953

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

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

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

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

34 (2) The state shall be the plaintiff described in Section 78B-6-507 in an action to
35 condemn property described in Subsection (1).

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

37 (a) Section 78B-6-505;

38 (b) Section 78B-6-520;

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

40 (d) Title 57, Chapter 12, Relocation Assistance.