

2nd Sub. H.B. 289

PROPERTY RIGHTS OMBUDSMAN AMENDMENTS

SENATE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 20, 2024 12:15 AM

Representative **Kera Birkeland** proposes 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 issue

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