

SB0061S01 compared with SB0061

{Omitted text} shows text that was in SB0061 but was omitted in SB0061S01

inserted text shows text that was not in SB0061 but was inserted into SB0061S01

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Energy Corridor Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor:

LONG TITLE

General Description:

This bill modifies provisions related to eminent domain and the condemnation process for public utilities.

Highlighted Provisions:

This bill:

▸ requires a person filing an eminent domain action for {~~certain telecommunications, electric light, and electric~~} a high voltage power {~~infrastructure~~} line to:

- conduct an infrastructure siting analysis; and
- coordinate with federal land management agencies before pursuing condemnation of private lands;
- modifies the requirements for certain eminent domain complaints to include infrastructure siting analysis and federal agency coordination documentation;
- requires a public utility to submit an annual report on eminent domain actions and efforts to utilize federal public lands to the Public Utilities, Energy, and Technology Interim Committee; and
- makes technical and conforming changes.

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19 **Money Appropriated in this Bill:**

20 None

21 None

24 AMENDS:

25 **78B-6-504** , as renumbered and amended by Laws of Utah 2008, Chapter 3 , as renumbered and amended by Laws of Utah 2008, Chapter 3

26 **78B-6-507** , as renumbered and amended by Laws of Utah 2008, Chapter 3 , as renumbered and amended by Laws of Utah 2008, Chapter 3

27 ENACTS:

28 **78B-6-505.5** , Utah Code Annotated 1953 , Utah Code Annotated 1953

29 **78B-6-523** , Utah Code Annotated 1953 , Utah Code Annotated 1953

30

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

32 Section 1. Section **78B-6-504** is amended to read:

33 **78B-6-504. Conditions precedent to taking.**

35 [~~(1) Before property can be taken it must appear that:~~]

36 [~~(a) the use to which it is to be applied is a use authorized by law;~~]

37 [~~(b) the taking is necessary for the use;~~]

38 [~~(c) construction and use of all property sought to be condemned will commence within a reasonable time as determined by the court, after the initiation of proceedings under this part; and]~~

41 [~~(d) if already appropriated to some public use, the public use to which it is to be applied is a more necessary public use.~~]

43 [~~(2)~~] (1)

. [(~~a~~)] As used in this section[;] :

44 (a) [~~"governing"~~] "Governing body" means:

45 (i) for a county, city, or town, the legislative body of the county, city, or town; and

46 (ii) for any other political subdivision of the state, the person or body with authority to govern the affairs of the political subdivision.

47 (b) "High voltage power line" means the same as that term is defined in Section 54-18-102.

48 ~~{(b)}~~ (c) "Infrastructure siting analysis" means a comprehensive evaluation that:

49 (i) identifies and assesses all reasonable route alternatives for the proposed infrastructure;

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- 51 (ii) prioritizes the use of existing utility corridors ~~{and}~~ in accordance with federal ~~{public lands}~~
standards; ~~{and}~~
- 54 (iii) prioritizes the use of federal public lands; and
- 52 ~~{(iii)}~~ (iv) documents why alternatives using federal public lands are not feasible, if applicable.
- 54 (2) Before property can be taken it must appear that:
- 55 (a) the use to which it is to be applied is a use authorized by law;
- 56 (b) the taking is necessary for the use;
- 57 (c) construction and use of all property sought to be condemned will commence within a reasonable
time as determined by the court, after the initiation of proceedings under this part; and
- 60 (d) if already appropriated to some public use, the public use to which it is to be applied is a more
necessary public use.
- 62 ~~{(b)}~~ (3) Property may not be taken by a political subdivision of the state unless the governing body of
the political subdivision approves the taking.
- 64 ~~{(e)}~~ (4)
- . (a) Before taking a final vote to approve the filing of an eminent domain action, the governing body of
each political subdivision intending to take property shall provide written notice to each owner of
property to be taken of each public meeting of the political subdivision's governing body at which a
vote on the proposed taking is expected to occur and allow the property owner the opportunity to be
heard on the proposed taking.
- 70 ~~{(d)}~~ (b) The requirement under Subsection ~~{(2)(e)}~~ (4)(a) to provide notice to a property owner is
satisfied by the governing body mailing the written notice to the property owner:
- 73 (i) at the owner's address as shown on the records of the county assessor's office; and
- 74 (ii) at least 10 business days before the public meeting.
- 75 (5) In addition to the requirements of Subsection (2), a person filing an eminent domain action for a
{purpose described in Subsection 78B-6-501(2)(h)} high voltage power line shall:
- 77 (a) complete an infrastructure siting analysis;
- 78 (b) demonstrate that use of federal public lands is not {feasible} authorized, feasible, or would result in
greater public harm than the proposed condemnation; and
- 80 (c) submit the analysis to the court as part of the condemnation proceedings.
- 84 Section 2. Section 2 is enacted to read:
- 85 **78B-6-505.5. Coordination with federal land management agencies.**

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- 83 (1) ~~{Before filing an eminent domain action to condemn private land for a purpose described in~~
~~Subsection 78B-6-501(2)(h), a person shall:}~~ high voltage
power line, a person shall:
- 85 ~~{(a)}~~ (1) if federal public land exists within one mile of the proposed high voltage power line, consult
with each relevant federal land management ~~{agencies}~~ agency to identify potentially suitable
federal public ~~{lands}~~ land for the proposed use;
- 87 ~~{(b)}~~ (2) document all efforts to coordinate with federal agencies; and
- 88 ~~{(c)}~~ (3) include the documentation described in Subsection ~~{(1)(b)}~~ (2) in any subsequent eminent
domain filing.
- 90 ~~{(2) {The court may consider the person's coordination efforts and infrastructure siting analysis when~~
~~determining if the proposed taking meets the requirements of Section 78B-6-504.}}~~
- 94 Section 3. Section **78B-6-507** is amended to read:
- 95 **78B-6-507. Complaint -- Contents.**
- 95 (1) The complaint shall contain:
- 96 (a) the name of the corporation, association, commission or person in charge of the public use for which
the property is sought, who must be styled plaintiff;
- 98 (b) the names of all owners and claimants of the property, if known, or a statement that they are
unknown, who must be styled defendants;
- 100 (c) a statement of the right of the plaintiff;
- 101 (d) if a right of way is sought, its location, general route, beginning and ending, and be accompanied by
a map of the proposed right of way, as it is involved in the action or proceeding;
- 104 (e) if any interest in land is sought for a right of way or associated facilities for a subject activity as
defined in Section 19-3-318:
- 106 (i) the permission of the governor with the concurrence of the Legislature authorizing:
- 107 (A) use of the site for the subject activity; and
- 108 (B) use of the proposed route for the subject activity; and
- 109 (ii) the proposed route as required by Subsection (1)(d);~~and~~
- 110 (f) a description of each piece of land sought to be taken, and whether it includes the whole or only part
of an entire parcel or tract~~[-]~~ ; and

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(g) for actions filed for a {~~purpose described in Subsection 78B-6-501(2)(h)~~ high voltage power line, the infrastructure siting analysis and federal agency coordination documentation required by Sections 78B-6-504 and 78B-6-505.5.

115 (2) All parcels lying in the county and required for the same public use may be included in the same or
separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to
119 suit the convenience of parties.

Section 4. Section 4 is enacted to read:

120 **78B-6-523. Reporting on consideration of federal public lands.**

120 (1) As used in this section, "public utility" means the same as that term is defined in Section 54-2-1.

122 (2) A public utility that files any eminent domain action for a {~~purpose described in Subsection 78B-6-501(2)(h)~~ high voltage power line in a calendar year shall submit, on or before July 1 of each year, a report to the Public Utilities, Energy, and Technology Interim Committee detailing:

126 (a) the number of condemnation actions filed in the previous calendar year;

127 (b) infrastructure siting analyses completed to identify and evaluate alternatives using federal public lands prior to initiating a condemnation action;

129 (c) reasons for not utilizing federal public lands, if applicable; and

130 (d) any coordination efforts with federal land management agencies.

131 Section 5. **Effective date.**

This bill takes effect on May 7, 2025.

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