

SB0061S03 compared with SB0061

~~{Omitted text}~~ shows text that was in SB0061 but was omitted in SB0061S03

inserted text shows text that was not in SB0061 but was inserted into SB0061S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Energy Corridor Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Derrin R. Owens**

. House Sponsor: Troy Shelley

2

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

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

11 • conduct an infrastructure siting analysis; and

12 • coordinate with federal land management agencies before pursuing condemnation of private
lands;

14 ▶ modifies the requirements for certain eminent domain complaints to include infrastructure siting
analysis and federal agency coordination documentation;

16 ▶ 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

19 ▶ 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-6-505 , as last amended by Laws of Utah 2020, Chapter 290 , as last amended by Laws of Utah 2020, Chapter 290**

27 **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

28 **ENACTS:**

29 **78B-6-505.5** , Utah Code Annotated 1953 , Utah Code Annotated 1953

30 **78B-6-523** , Utah Code Annotated 1953 , Utah Code Annotated 1953

31

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

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

34 **78B-6-504. Conditions precedent to taking.** <compare mode="add">(Compare Error)</compare>

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.

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48 "Infrastructure siting analysis" means a comprehensive evaluation that:
49 identifies and assesses all reasonable route alternatives for the proposed infrastructure;
51 prioritizes the use of existing utility corridors and federal public lands; and
52 documents why alternatives using federal public lands are not feasible, if applicable.
54 Before property can be taken it must appear that:
55 the use to which it is to be applied is a use authorized by law;
56 the taking is necessary for the use;
57 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 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 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) shall:
77 complete an infrastructure siting analysis;
78 demonstrate that use of federal public lands is not feasible or would result in greater public harm than
the proposed condemnation; and
80 submit the analysis to the court as part of the condemnation proceedings.

94 Section 2. Section 78B-6-505 is amended to read:

95 **78B-6-505. Negotiation and disclosure required before filing an eminent domain action.**

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- 97 (1) As used in this section:
- 98 (a)
- 100 (i) "Claimant" means a person who is a record interest holder of real property sought to be condemned.
- 101 (ii) "Claimant" does not include:
- 102 (A) a fee simple owner; or
- 103 (B) a utility subject to Section 72-6-116.
- 104 (b) "Fee simple owner" means the same as that term is defined in Section 57-12-13.
- 107 (2) A political subdivision of the state that seeks to acquire property by eminent domain or that intends to use eminent domain to acquire property if the property cannot be acquired in a voluntary transaction shall:
- 111 (a) before the governing body, as defined in Subsection 78B-6-504(2)(a), of the political subdivision takes a final vote to approve the filing of an eminent domain action, make a reasonable effort to negotiate with the fee simple owner for the purchase of the property; and
- 114 (b) except as provided in Subsection (5), as early in the negotiation process described in Subsection (2) (a) as practicable, but no later than 14 days before the day on which a final vote is taken to approve the filing of an eminent domain action:
- 118 (i) provide the fee simple owner and each claimant a complete printed copy of the materials provided on the Office of the Property Rights Ombudsman website in accordance with Section 13-43-203 regarding the acquisition of property for a public purpose and a property owner's right to just compensation;
- 119 (ii) provide the fee simple owner a written statement in substantially the following form:
- 124 "Although this letter is provided as part of an attempt to negotiate with you for the sale of your property or an interest in your property without using the power of eminent domain, [name of political subdivision] may use that power if it is not able to acquire the property by negotiation. Because of that potential, the person negotiating on behalf of the entity is required to provide the following disclosures to you.
- 125 1. You are entitled to receive just compensation for your property.
- 127 2. You are entitled to an opportunity to negotiate with [name of political subdivision] over the amount of just compensation before any legal action will be filed.
- a. You are entitled to an explanation of how the compensation offered for your property was calculated.

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- 129 b. If an appraiser is asked to value your property, you are entitled to accompany the appraiser
during an inspection of the property.
- 131 3. You are entitled to discuss this case with the attorneys at the Office of the Property Rights
Ombudsman. The office may be reached at [provide the current contact information for the Office of
the Property Rights Ombudsman].
- 134 4. The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys
experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting
their property rights. You are entitled to ask questions and request an explanation of your legal
options.
- 138 5. If you have a dispute with [name of political subdivision] over the amount of just
compensation due to you, you are entitled to request free mediation or arbitration of the dispute
from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are
entitled to request a free independent valuation of the property.
- 142 6. Oral representations or promises made during the negotiation process are not binding upon
the entity seeking to acquire the property by eminent domain."; and
- 144 (iii) provide each claimant a written statement in substantially the following form:
- 145 "1. Your interest in property may be impacted by a public improvement project and you may be
entitled to receive just compensation.
- 147 2. You are entitled to discuss this case with the attorneys at the Office of the Property Rights
Ombudsman. The office may be reached at [provide the current contact information for the Office of
the Property Rights Ombudsman].
- 150 3. The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys
experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting
their property rights. You are entitled to ask questions and request an explanation of your legal
options.
- 154 4. If you have a dispute with [name of entity] over the amount of just compensation due to
you, you are entitled to request free mediation or arbitration of the dispute from the Office of the
Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free
independent valuation of the property.
- 158 5. Oral representations or promises made during any negotiation are not binding upon the entity
seeking to acquire the property by eminent domain."

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- 160 (3) Except as provided in Subsection (5), the entity involved in the acquisition of property may not
bring a legal action to acquire the property under this chapter until 30 days after the day on which
the disclosure and materials required in Subsections (2)(b)(ii) and (iii) are provided to the fee simple
owner and each claimant.
- 164 (4) A person, other than a political subdivision of the state, that seeks to acquire property by eminent
domain or that intends to use eminent domain to acquire property if the property cannot be acquired
in a voluntary transaction shall:
- 167 (a) before filing an eminent domain action, make a reasonable effort to negotiate [~~with the property
owner for the purchase of the fee simple;~~] with the fee simple owner for the purchase of the
property interest being condemned; and
- 170 (b) except as provided in Subsection (5), as early in the negotiation process described in Subsection
(4)(a) as practicable, but no later than 30 days before the day on which the person files an eminent
domain action:
- 173 (i) provide the fee simple owner and each claimant a complete printed copy of the materials provided
on the Office of the Property Rights Ombudsman website in accordance with Section 13-43-203
regarding the acquisition of property for a public purpose and a property owner's right to just
compensation;
- 177 (ii) provide the fee simple owner a written statement in substantially the following form:
- 178 "Although this letter is provided as part of an attempt to negotiate with you for the sale of your
property or an interest in your property without using the power of eminent domain, [name of entity]
may use that power if it is not able to acquire the property by negotiation. Because of that potential,
the person negotiating on behalf of the entity is required to provide the following disclosures to you.
- 183 1. You are entitled to receive just compensation for your property.
- 184 2. You are entitled to an opportunity to negotiate with [name of entity] over the amount of just
compensation before any legal action will be filed.
- 186 a. You are entitled to an explanation of how the compensation offered for your property was
calculated.
- 188 b. If an appraiser is asked to value your property, you are entitled to accompany the appraiser
during an inspection of the property.
- 190

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3. You are entitled to discuss this case with the attorneys at the Office of the Property Rights Ombudsman. The office may be reached at [provide the current contact information for the Office of the Property Rights Ombudsman].

193 4. The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting their property rights. You are entitled to ask questions and request an explanation of your legal options.

197 5. If you have a dispute with [name of entity] over the amount of just compensation due to you, you are entitled to request free mediation or arbitration of the dispute from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free independent valuation of the property.

201 6. Oral representations or promises made during the negotiation process are not binding upon the entity seeking to acquire the property by eminent domain."; and

203 (iii) provide each claimant a written statement in substantially the following form:

204 "1. Your interest in property may be impacted by a public improvement project and you may be entitled to receive just compensation.

206 2. You are entitled to discuss this case with the attorneys at the Office of the Property Rights Ombudsman. The office may be reached at [provide the current contact information for the Office of the Property Rights Ombudsman].

209 3. The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting their property rights. You are entitled to ask questions and request an explanation of your legal options.

213 4. If you have a dispute with [name of entity] over the amount of just compensation due to you, you are entitled to request free mediation or arbitration of the dispute from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free independent valuation of the property.

217 5. Oral representations or promises made during any negotiation are not binding upon the entity seeking to acquire the property by eminent domain."

219 (5) The court may, upon a showing of exigent circumstances and for good cause, shorten the 14-day period described in Subsection (2)(b) or the 30-day period described in Subsection (3) or (4)(b).

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222 Section 3. Section 3 is enacted to read:

223 **78B-6-505.5. Coordination with federal land management agencies.**

- 83 (1) ~~Before filing an eminent domain action to condemn private land for a {purpose described in~~
Subsection 78B-6-501(2)(h)} high voltage power line, a person shall:
- 85 (a) ~~{consult with}~~ if federal public land exists within one quarter mile of the proposed high voltage
power line, submit a Standard Form 299, or equivalent form, to each relevant federal land
management ~~{agencies}~~ agency to identify potentially suitable federal public ~~{lands}~~ land for the
proposed use;
- 87 (b) document all efforts to coordinate with federal agencies; and
- 88 (c) include the documentation described in Subsection (1)(b) 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.}}
- 233 (2) A person may file an eminent domain action to condemn private land if each relevant federal land
management agency fails to respond within 60 days after the person files a Standard Form 299, or
equivalent form, with the agency.

236 Section 4. Section 78B-6-507 is amended to read:

237 **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~~

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- 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
- 112 (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
suit the convenience of parties.
- 261 Section 5. Section 5 is enacted to read:
- 262 **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.

273 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

2-12-25 6:00 PM