

Doug Owens proposes the following substitute bill:

Energy Corridor Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor:

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 a high voltage power line to:

- 10 • conduct an infrastructure siting analysis; and
11 • coordinate with federal land management agencies before pursuing condemnation of
12 private lands;

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

15 ▶ requires a public utility to submit an annual report on eminent domain actions and efforts
16 to utilize federal public lands to the Public Utilities, Energy, and Technology Interim
17 Committee; and

18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **78B-6-504**, 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

27 ENACTS:

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

29 **78B-6-523**, 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.**

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

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

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

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

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

42 [(2)] (1)[(a)] As used in this section[;] :

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

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

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

47 (b) "High voltage power line" means the same as that term is defined in Section
48 54-18-102.

49 (c) "Infrastructure siting analysis" means a comprehensive evaluation that:

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

52 (ii) prioritizes the use of existing utility corridors in accordance with federal
53 standards;

54 (iii) prioritizes the use of federal public lands; and

55 (iv) documents why alternatives using federal public lands are not feasible, if
56 applicable.

57 (2) Before property can be taken it must appear that:

58 (a) the use to which it is to be applied is a use authorized by law;

59 (b) the taking is necessary for the use;

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

63 (d) if already appropriated to some public use, the public use to which it is to be applied
 64 is a more necessary public use.

65 ~~[(b)]~~ (3) Property may not be taken by a political subdivision of the state unless the
 66 governing body of the political subdivision approves the taking.

67 ~~[(e)]~~ (4)(a) Before taking a final vote to approve the filing of an eminent domain action,
 68 the governing body of each political subdivision intending to take property shall
 69 provide written notice to each owner of property to be taken of each public meeting
 70 of the political subdivision's governing body at which a vote on the proposed taking
 71 is expected to occur and allow the property owner the opportunity to be heard on the
 72 proposed taking.

73 ~~[(d)]~~ (b) The requirement under Subsection ~~[(2)(e)]~~ (4)(a) to provide notice to a property
 74 owner is satisfied by the governing body mailing the written notice to the property
 75 owner:

76 (i) at the owner's address as shown on the records of the county assessor's office; and
 77 (ii) at least 10 business days before the public meeting.

78 (5) In addition to the requirements of Subsection (2), a person filing an eminent domain
 79 action for a high voltage power line shall:

80 (a) complete an infrastructure siting analysis;

81 (b) demonstrate that use of federal public lands is not authorized, feasible, or would
 82 result in greater public harm than the proposed condemnation; and

83 (c) submit the analysis to the court as part of the condemnation proceedings.

84 Section 2. Section **78B-6-505.5** is enacted to read:

85 **78B-6-505.5 . Coordination with federal land management agencies.**

86 Before filing an eminent domain action to condemn private land for a high voltage
 87 power line, a person shall:

88 (1) if federal public land exists within one mile of the proposed high voltage power line,
 89 consult with each relevant federal land management agency to identify potentially
 90 suitable federal public land for the proposed use;

91 (2) document all efforts to coordinate with federal agencies; and

92 (3) include the documentation described in Subsection (2) in any subsequent eminent
 93 domain filing.

94 Section 3. Section **78B-6-507** is amended to read:

95 **78B-6-507 . Complaint -- Contents.**

96 (1) The complaint shall contain:

- 97 (a) the name of the corporation, association, commission or person in charge of the
 98 public use for which the property is sought, who must be styled plaintiff;
- 99 (b) the names of all owners and claimants of the property, if known, or a statement that
 100 they are unknown, who must be styled defendants;
- 101 (c) a statement of the right of the plaintiff;
- 102 (d) if a right of way is sought, its location, general route, beginning and ending, and be
 103 accompanied by a map of the proposed right of way, as it is involved in the action or
 104 proceeding;
- 105 (e) if any interest in land is sought for a right of way or associated facilities for a subject
 106 activity as defined in Section 19-3-318:
- 107 (i) the permission of the governor with the concurrence of the Legislature authorizing:
 108 (A) use of the site for the subject activity; and
 109 (B) use of the proposed route for the subject activity; and
 110 (ii) the proposed route as required by Subsection (1)(d);~~and~~
- 111 (f) a description of each piece of land sought to be taken, and whether it includes the
 112 whole or only part of an entire parcel or tract[-] ; and
- 113 (g) for actions filed for a high voltage power line, the infrastructure siting analysis and
 114 federal agency coordination documentation required by Sections 78B-6-504 and
 115 78B-6-505.5.
- 116 (2) All parcels lying in the county and required for the same public use may be included in
 117 the same or separate proceedings, at the option of the plaintiff, but the court may
 118 consolidate or separate them to suit the convenience of parties.
- 119 Section 4. Section **78B-6-523** is enacted to read:
- 120 **78B-6-523 . Reporting on consideration of federal public lands.**
- 121 (1) As used in this section, "public utility" means the same as that term is defined in Section
 122 54-2-1.
- 123 (2) A public utility that files any eminent domain action for a high voltage power line in a
 124 calendar year shall submit, on or before July 1 of each year, a report to the Public
 125 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
 128 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.**

132 This bill takes effect on May 7, 2025.