

Senate Transportation, Public Utilities, Energy and Technology Committee

Date: 1/28/2025

Bill: 2nd substitute SB 61 – Energy Corridor Amendments

Sponsor: Senator Derrin R. Owens

Floor Sponsor:

UASD Position: Tracking

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

Discussion: The 2nd substitute, which was adopted by the Committee, makes the language narrower causing it to pertain to filing an eminent domain action for a voltage power line. The Bill changes the requirements regarding the distance from a corridor. Senator Riebe asked if the goal of this Bill is to make better policy regarding eminent domain. Senator Owens said that the intent of the Bill is to ensure a more effective and efficient use of government lands and to protect the land rights of private property owners. The Bill is specific to electricity, telecommunications, and power infrastructure. Currently, there are federal corridors being used with existing infrastructure. The sponsor said that the federal government makes it difficult for utilities to run infrastructure through federal lands. Because of this, utilities opt to use eminent domain on private property. The intent of the Bill is to make eminent domain the last option and make the process more transparent. Senator Winterton shared an experience of eminent domain being used to “run over” private landowners. He thinks this Bill is moving in the right direction but that it doesn’t go far enough to prevent eminent domain from being used. Senator Riebe asked if eminent domain could still be utilized if the Bill were to pass. The sponsor said that the Bill would restrict the use of eminent domain for power companies and utilities, but it would not eliminate the ability to use eminent domain altogether. Senator Kwan asked a clarifying question about who is able to file for eminent domain. The sponsor said that it can be an individual, a group, a municipality, or a governmental entity. A representative from Rocky Mountain Power spoke in support of the Bill and thanked the sponsor for working with them.

Yeas: 7

Nays: 0

N/V: 1

Outcome: 2nd substitute SB 61 passed out of the Committee with a favorable recommendation.

Bill: 3rd substitute HB 44 – Private Airport Notice Amendments

Sponsor: Melissa G. Ballard

Floor Sponsor: Senator Wayne A. Harper

UASD Position: Tracking

This Bill enacts provisions related to notice of private airports.

Discussion: The sponsor said that this Bill focuses specifically on “substantial private airports” and is intended to prevent lawsuits. When a plot of residential land changes ownership, the new property owner must be notified if there is a runway for a private airport within 2,500 feet from the property. The Utah League of Cities and Towns worked with the sponsor to ensure that the land use authority of the county or municipality is the entity that measures the distance from the runway to the residential property. The Bill does not give a county or municipality any extra authority to change zoning. The Bill only covers the notification requirements. The 3rd substitute, which was adopted by the Committee, decreases the distance from 5,000 feet to 2,500 feet, designates the Utah Department of Transportation (“UDOT”) as the entity that will determine what constitutes a substantial private airport, and designates the land use authority as the entity that produces the measurement. Representative Winterton asked if this Bill would restrict what a property owner may build on their land. The sponsor said that there would be no building restrictions on the residential property because it is a private airport, not commercial. The notification of proximity only applies to residential parcels.

Yeas: 7

Nays: 0

N/V: 1

Outcome: 3rd substitute HB 44 passed out of the Committee with a favorable recommendation.
