

House Public Utilities and Energy Committee

February 20, 2025

Bill: 3rd substitute SB 61 Energy Corridor Amendments

Sponsor:

Floor Sponsor:

UASD Position: Tracking

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

Discussion: This Bill requires individuals initiating eminent domain actions for high-voltage power lines to first conduct an infrastructure siting analysis and coordinate with federal land management agencies before pursuing the condemnation of private land. Additionally, it modifies the requirements for eminent domain complaints by mandating the inclusion of documentation regarding the siting analysis and coordination with federal agencies. The Bill also obligates public utilities to submit an annual report to the Public Utilities, Energy, and Technology Interim Committee, detailing their eminent domain actions and efforts to utilize federal public lands.

The floor sponsor introduced 3rd substitute SB 61 as a Bill that compels power companies to exhaust all available alternatives for relocating power lines to federal lands before condemning private land within the energy corridor. Representative Dominguez inquired about its impact on Native American reservations. The sponsor expressed uncertainty regarding the effect on private property rights within reservations but believes the process would be similar to that for private property owners in Utah. Representative Chew voiced concern over power companies condemning private land for wind energy projects intended for other states, rather than benefiting Utah. He proposed adopting Amendment 1, which adds on line 62 a requirement to explore land exchange opportunities with property owners as an alternative to condemnation.

The Executive Director of the Rural Electric Cooperative Association explained that eminent domain decisions are based on what is in the best interest of the public being served, rather than the entity seeking the condemnation. To meet their consumers' needs, power companies must act in a timely manner. However, they aim to avoid haphazard condemnation and will first attempt to utilize existing corridors or federal lands. Condemning private property will remain a last resort. Rocky Mountain Power expressed support for the Bill as drafted and believes it addresses the concerns raised by Representative Chew. Representative Chew removed his request to amend the Bill but would like to continue working with the sponsor on that concept.

Yeas: 8

Nays: 1

N/V: 4

Outcome: 3rd substitute SB 61 passed out of the Committee with a favorable recommendation.

Bill: HB 492 – Drinking Water Utility Amendments

Sponsor: Representative

Floor Sponsor:

UASD Position: Oppose

This Bill addresses security at drinking water facilities.

Discussion: Representative Jack emphasized the critical importance of cybersecurity in protecting the state's water resources. Cyber-attacks targeting water facilities across the nation have become increasingly common in recent years. This Bill requires community water systems to develop a security plan, report any security breaches to the Utah Cyber Center within two hours of discovery, classifies water security plans as protected records, and mandates the Division of Drinking Water to provide an annual report on water system security to two legislative committees. Representative Jack pointed out that before Russia's invasion of Ukraine, cyber-attacks had already targeted power and water systems, underscoring the need to protect Utah's water systems from foreign threats.

Nathan Lunstad, Director of the Division of Drinking Water, stated that water systems are critical infrastructure and high-risk targets. He believes the Bill's two-hour reporting requirement and the direct submission of reports to the Cyber Center, rather than the Division, will enable a quicker response to security incidents. He acknowledged that some provisions of the Bill are vague. He is working with the Utah Association of Special Districts to clarify these provisions.

Representative Dominguez stressed the importance of safeguarding infrastructure and data. She inquired whether data storage and backups are included in the Bill's requirements. Mr. Lunstad responded that water systems are required to have a cybersecurity plan, and the Division will collaborate with the FBI to determine the specifics of the plan, including data storage protocols. Representative Peck asked if cyber-attacks could directly affect individuals receiving water. Mr. Lunstad confirmed that the Bill protects both data and systems, noting that in other states, cyber-attacks have remotely taken control of treatment plants and altered chemical doses, causing systems to stop providing water until the water was safe to drink. Representative Albrecht highlighted the importance of cybersecurity moving forward and expressed hope that the Utah Cyber Center will offer training to rural water systems.

Yeas: 10

Nays: 0

N/V: 3

Outcome: HB 492 passed out of the Committee with a favorable recommendation and was placed on the consent calendar.
