

**MINUTES OF THE
PUBLIC UTILITIES AND TECHNOLOGY INTERIM COMMITTEE**
Wednesday, November 14, 2001 – 9:00 a.m. – Room 129 State Capitol

Members Present:

Sen. Leonard M. Blackham, Senate Chair
Rep. John E. Swallow, House Chair
Sen. Mike Dmitrich
Sen. Scott K. Jenkins
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Sheryl L. Allen
Rep. Ralph Becker
Rep. Chad E. Bennion
Rep. Eric Hutchings
Rep. Kevin S. Garn
Rep. Brent H. Goodfellow
Rep. Gordon E. Snow
Rep. Michael R. Styler

Members Absent:

Rep. Ty McCartney
Speaker Martin R. Stephens
Rep. David Ure
Rep. Stephen H. Urquhart

Staff Present:

Mr. Richard North, Research Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Junie G. Anderson, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us.imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Call to Order

Chair Blackham called the meeting to order at 9:32 a.m.

MOTION: Sen. Jenkins moved to approve the minutes of the October 24, 2001 meeting. The motion passed unanimously with Sen. Valentine, Rep. Becker, Rep. Bennion, and Rep. Swallow absent for the vote.

2. Energy Policy Task Force Report

Sen. Blackham distributed a report "Energy Policy Task Force–Summary of Activities in the 2001 Interim" and gave an overview of the activities and study items that were considered by the Task Force.

3. Energy Policy Briefing Paper

Ms. Patricia Owen, Office of Legislative Research and General Counsel, distributed a booklet "Office of Legislative Research and General Counsel - Briefing Paper - Energy Policy Issues and Legislative Options" and explained the briefing paper. She also distributed a handout "Energy Policy Issues and Legislative Options Overview," which outlined the contents of the briefing paper.

Rep. Goodfellow asked that Ms. Owen send a letter she received in September from the co-chairs of the Energy Policy Task Force, "Request to Review Adequacy of Public Utility Regulation Fees," to the members of the Public Utilities and Technology Committee.

Chair Blackham suggested that Ms. Owen report to the Public Utilities and Technology Committee every other month on the current proposals of the Task Force in the upcoming year.

4. Proposed Committee Legislation: Intermountain Power Project, Universal Service Fund

Mr. Robert Rees, distributed three drafts of legislation "Interlocal Cooperation Act," "Electric Power Facilities Amendments," and "Protection of Commercially Sensitive Energy Information." He opened discussion on the drafts.

Mr. Reed Searle, Intermountain Power Agency, discussed objectives and proposed amendments to draft "Interlocal Cooperation Act." He suggested the following amendments:

Page 9, line 259: Delete "transportation"

Page 9, line 260: Delete "energy, natural gas, and other forms of"

Page 9, line 276: Delete "natural gas"

MOTION: Rep. Styler moved to approve the amended draft legislation "Interlocal Cooperation Act" as a Committee bill. The motion passed with Sen. Valentine, Rep. Allen, Rep. Bennion, and Rep. Garn absent for the vote.

Mr. Dave Little, Holme Roberts & Owen, discussed the proposed amendments to draft legislation "Electric Power Facilities Amendments." Mr. Searle summarized the proposals.

MOTION: Sen. Dmitrich moved to approve draft legislation "Electric Power Facilities Amendments" as a Committee bill. The motion passed unanimously with Sen. Valentine and Rep. Garn absent for the vote.

Mr. Searle also discussed proposed amendments to draft legislation "Protection of Commercially Sensitive Energy Information."

Mr. Joel Campbell, Utah Press Association, expressed concern about the language in draft legislation "Protection of Commercially Sensitive Energy Information," especially the section dealing with GRAMA. He requested that more discussion about the legislation be allowed before a decision is made.

Mr. David Crabtree, Deseret Power, also expressed concern that the legislation may be a stumbling block for any meaningful dialog with any city.

Ms. Betsy Wolf, Salt Lake Community Action Program, also expressed similar concerns and asked that the Committee consider allowing other groups to participate in discussions on the legislation before its approval.

Mr. Jim Burr, Chapman and Cutler, said that there is nothing in the draft legislation that changes the existing Utah law, which requires that the municipal budget be adopted in a full and open process with public hearings and public notices.

MOTION: Sen. Dmitrich moved to approve, as a Committee bill, draft legislation "Protection of Commercially Sensitive Energy Information," with the following amendment:

Page 2, line 35: Delete "commercially sensitive"

The motion passed with Sen. Jenkins and Rep. Goodfellow voting in opposition to the motion. Sen. Valentine, Rep. Bennion, and Rep. Garn were absent for the vote.

Mr. David Irvine, Eagle Mountain, discussed draft legislation "Municipal Telephone Utilities Amendments," which was distributed by Mr. Rees prior to the meeting.

Mr. Dan Valentine, former legal counsel - Eagle Mountain, briefed the Committee on the history of Eagle Mountain's creation of its municipal telephone company.

Sen. Valentine expressed concern that there should be a repealer sunset date rather than a cap.

MOTION: Rep. Styler moved to approve draft legislation "Municipal Telephone Utilities Amendments" as a Committee bill with an amendment to delete lines 152-153, add a four-year sunset repealer date, and make appropriate numbering adjustments. The motion passed with Sen. Blackham, Rep. Becker, Rep. Hutchings, and Rep. Snow voting in opposition to the motion. Rep. Goodfellow and Rep. Swallow were absent for the vote.

5. Information Technology Commission Proposed Legislation: Digital Barriers, Privacy, and Chief Information Officer Statute

Rep. Richard Siddoway, Co-chair, Information Technology Commission, briefed the Committee on four drafts of legislation "Electronic Government Services Amendments - Transportation," "Electronic Government Services Amendments - Agriculture," "Private Records Amendments," and "Information Technology Amendments," which were distributed at the meeting.

MOTION: Rep. Styler moved to approve draft legislation "Electronic Government Services Amendments - Transportation" as a Committee bill. The motion passed unanimously with Sen. Valentine, Repl. Allen, and Rep. Garn absent for the vote.

MOTION: Rep. Snow moved to approve draft legislation "Electronic Government Services Amendments - Agriculture" as a Committee bill. The motion passed unanimously with Sen. Valentine, Rep. Allen, and Rep. Garn absent for the vote.

MOTION: Rep. Bennion moved to approve draft legislation "Private Records Amendments" as a Committee bill. The motion passed with Rep. Hutchings voting in opposition to the motion. Sen. Valentine, Rep. Allen, and Rep. Garn were absent for the vote.

Information Technology Amendments—Rep. Becker expressed concern that this draft legislation may limit state agencies' preferred hardware/software programs because they have not been approved by the CIO (Chief Information Officer).

Rep. Hutchings expressed concern about taking the decision-making from a group of experienced IT individuals and putting it into the hands of the CIO, which would have the effect of abolishing the information technology committees.

Mr. Rees explained that the bill states that the CIO shall approve the acquisition of all information technology equipment for all state agencies.

Mr. North explained that the ITPSC (Information Technology Policy and Strategy Committee) was created several years ago, and was designed as a policy discussion and approval committee for the CIO to use in developing policy recommendations for the State. He said the CIO was concerned that, while information technology is important, the overall policy of the agency is the larger issue. He said the proposal is designed to reorganize ITPSC and make it an advisory entity rather than a policy approval committee. This change would provide better information technology and agency policy coordination.

6. Energy Efficiency Surcharge Authority: Public Service Commission

This item was not discussed at this meeting.

7. Gas Appliance Technician Certification

Mr. John Hill, Rocky Mountain Gas Association and the Utah Heating and Air Contractors Association, distributed "H.B. 125 Natural Gas Technician Certification Act, 1997 General Session" and discussed the bill.

Mr. Ruland Gill, Questar, said it is unsafe for a homeowner to install his own equipment but, by law, he is allowed to install his own equipment.

Mr. Brad Tanner, Rocky Mountain Gas Association, expressed concern for the safety of homeowners if a certified technician has not been consulted when gas appliances are installed.

Mr. Jody Hilton, the chief building official for Sandy City, spoke in favor of the bill. He informed the Committee that Questar no longer does inspection or policing, which may cause a problem for homeowners who incorrectly install their own equipment.

8. Adjournment

Due to the lack of a quorum, Chair Blackham adjourned the meeting at 11:55 a.m.