

**MINUTES OF THE
SENATE ENERGY, NATURAL RESOURCES AND AGRICULTURE
STANDING COMMITTEE
FRIDAY, FEBRUARY 18, 2000
Room 414, State Capitol Building**

Members Present: Sen. Beverly Evans, Chair
Sen. Leonard Blackham
Sen. Joseph Hull
Sen. Lorin Jones
Sen. Millie Peterson

Staff Present: Connie Steffen, Research Analyst
Nedra Duzett, Secretary

Others Present: Steve Frischknecht, Dairy Farmer
Harry Papageorge, Dairy Farmer
Roy Remund, Dairy Farmer
Allan D. Beazer, Cream O'Weber
Cap Ferry, Nestle
Bob Bound, Utah Dairymen's Association
Richard Russell, Russell's Ice Cream
Garth Ogden
Rep. Mike Styler
John Kimball, Division of Wildlife Resources
Don Peay, Sportsmen for Fish and Wildlife
Paul Dremmen, Trout Unlimited
Ann O'Connell, Audobon
Leland Myers, Central Davis Sewer District
Rex Ausborn, Synderville Basin Sewer District
Mike Embly, Kearns Sewer Improvement District
Fred Finlinson, Central Valley Water Reclamation District
Frank Warner, attorney representing excavators
Haynes Fuller

List of others present on file.

Chair Beverly Evans called the meeting to order at 8:16 a.m.

MOTION: Sen. Blackham moved to approve the minutes of February 14 and 16, 2000. The motion passed unanimously with Sen. Hull absent for the vote.

1. S.B. 90 Ice Cream and Milk Dispenser Requirements (G. Davis)

Cap Ferry noted that under current law there is no exemption to the prohibition of loaning equipment to a retailer for milk dispensers. Kyle Stevens, Department of Agriculture and Food, stated that vending machines are exempt, because they are provided by a third party.

MOTION: Sen. Jones moved to reconsider the committee's action on the bill. The motion passed with Sens. Blackham and Hull absent for the vote.

MOTION: Sen. Peterson moved to amend the bill as follows:

1. Page 1, Line 7: After "CABINETS" insert "AND MILK COOLERS"
2. Page 1, Line 16: After "section" delete the comma and insert ": (a) liquid dairy product" means a milk container which contains a pint of milk or less; and (b) "
3. Page 1, Line 27: After "(3)" insert "(a)"
4. Page 2, Line 28: Delete "(a)" and insert "(i)"
5. Page 2, Line 29: Delete "(b)" and insert "(ii)"
6. Page 2, Line 30: Delete "(c)" and insert "(iii)" and after line 30 insert the following:
"(b) Milk coolers may be loaned or sold to a retailer if the milk cooler:
(i) is portable;
(ii) has a storage capacity not exceeding 12 cubic feet; and
(iii) is used solely for retail display sales of liquid dairy products."
7. Page 2, Line 41: After "cabinet" insert "or milk cooler"
8. Page 2, Line 43 After "cabinet" insert "or milk cooler"

The motion passed with Sens. Blackham and Hull absent for the vote.

Sen. Jones assumed the chair.

The following spoke in support of the bill:

Rex Black

The following spoke in opposition to the bill:

Allan Beazer, Cream of Weber

Bob Bound, Utah Dairymen's Association

Richard Russell, Russell's Ice Cream

Garth Ogden

Harry Papageorge

Steve Frischknight, dairy farmer

MOTION: Sen. Hull moved to pass the bill out favorably with a revised fiscal note.

Chair Beverly Evans assumed the chair.

The motion failed with Sens. Hull and Peterson voting in support of the motion.

MOTION: Sen. Blackham moved to table the bill. The motion passed with Sens. Hull and Peterson voting in opposition to the motion.

2. S.B. 248 Wildlife Licensing Amendments (L. Blackham)

Sen. Blackham explained the bill deletes the Habitat Authorization and in lieu of that revenue raises license and permit fees.

The following spoke in support of the bill:

Rep. Mike Styler
John Kimball, Division of Wildlife Resources
Don Peay, Sportsmen for Fish and Wildlife
Paul Dremmen, Trout Unlimited

The following in spoke in opposition to the bill:

Ann O'Connell, Audubon

MOTION: Sen. Blackham moved to pass the bill out favorably. The motion passed with Sen. Peterson voting in opposition and Sen. Jones absent for the vote.

3. S.B. 18 Public Utilities - Sewer Lines (G. Davis)

MOTION: Sen. Peterson moved to amend the bill as follows:

1. Page 1, Line 10: After line 10 insert:
"54-8a-6, as last amended by Chapter 198, Laws of Utah 1998"
2. Page 2, Lines 48-50: After "lateral" delete the remainder of line 48 and delete lines 49 and 50 and insert "connected to a sewer main and located within a public right-of-way."
3. Page 2, Line 50: After line 50 insert:
"Section 2. Section **54-8a-6** is amended to read:
54-8a-6. Duties and liabilities of the person who excavates.
(1) Damage to an underground facility by an excavator who excavates but fails to comply with Section 54-8a-4, is prima facie evidence that the excavator is liable for any damage caused by the negligence of that excavator.
(2) (a) An excavator is not liable for damage to an underground facility if

he or she has:

(i) given proper notice of the proposed excavation as required in this chapter;

(ii) marked the area of the proposed excavation as required in Section 54-8a-4;

(iii) complied with Section 54-8a-5.5; and

(iv) complied with Section 54-8a-7.

(b) An excavator is not liable for damage to an underground facility if an operator has failed to comply with Section 54-8a-5 or 54-8a-9.

(3) An operator of underground facilities for the conveyance of sewage and an excavator shall share equally the responsibility for any damage resulting to underground facilities if both the operator and excavator comply with Subsection 54-8a-5(2)(e)."

The motion passed unanimously with Sen. Jones absent for the motion.

The following spoke in opposition to the bill as amended:

Leland Myers, Central Davis Sewer District
Rex Ausborn, Synderville Basin Sewer District
Mike Embly, Kearns Sewer Improvement District
Fred Finlinson, Central Valley Water Reclamation District

The following spoke in support of the bill:

Frank Warner, attorney representing excavators
Haynes Fuller

MOTION: Sen. Peterson moved to hold the bill.

SUBSTITUTE MOTION: Sen. Blackham moved to refer the bill to interim study. The motion failed with Sens. Blackham and Evans voting for the motion, and Sen. Jones absent for the voting.

MOTION: Sen. Hull moved to pass the bill out favorably. The motion failed with Sen. Hull voting for the motion and Sen. Jones absent for the vote.

MOTION: Sen. Blackham moved to adjourn.

The motion passed unanimously with Sen. Jones absent for the motion.

Chair Evans adjourned the meeting at 9:35 a.m.

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Minutes were reported by Nedra Duzett, Secretary.

Beverly Evans, Chair