

**MINUTES OF THE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room 225 - State Capitol Building
January 29, 2004**

MEMBERS PRESENT: Rep. Stephen H. Urquhart, Chair
Rep. Glenn A. Donnelson, Vice Chair
Rep. Sheryl L. Allen
Rep. Ralph Becker
Rep. Chad E. Bennion
Rep. Brent H. Goodfellow
Rep. Ty McCartney
Rep. Michael E. Noel
Rep. Gordon E. Snow

MEMBERS ABSENT: Rep. Greg J. Curtis
Rep. Michael R. Styler
Rep. David Ure

STAFF PRESENT: Richard North, Policy Analyst
Cherri White, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Chairman Urquhart indicated that H.B. 36 would not be heard in today's meeting at the sponsors request.

International Trade Negotiations (GATS) and State Regulated Monopolies

Representative Allen reviewed for the committee the draft letter being considered regarding GATS and the concerns of the Legislature in connection with this proposed change. Additionally, Representative Allen indicated that having the Senate join with the House in sending this communication would be more effective. Representative Allen also indicated a response from Ambassador Zoellick to the following questions would be appreciated.

1. Please Identify any trade commitment that would affect Utah's right to regulate its public service sectors.
2. How will you involve the State of Utah in the GATS process?
3. Please identify the parties to the negotiations, and the date, location, and times of future meetings.
4. Please identify, in writing, any cost/benefit analyses that are associated with GATS trade commitments.

5. What public sectors in the United States of America would be effected by any trade commitments?

MOTION: Representative Snow moved that the committee send a letter to Ambassador Robert Zoellick with the signature of the committee chair and vice-chair. Additionally, that the Senate also send a letter, and that the questions be included with the letter.

The motion passed unanimously with Representatives Bennion, Curtis, Goodfellow, McCartney Noel, Styler, and Ure absent for the vote.

H.B. 229 Public Utility Easements (Rep. R. C. Webb)

Prior to introducing the bill Representative Webb indicated that he had two amendments to the bill he would like the committee to consider.

MOTION: Representative Donnelson moved to amend:

1. Page 2, Line 36:

36 expense of the public utility, any **boundary line fence**, grass, soil, gravel, flat concrete, or asphalt damaged or

2. Page 2, Lines 43 through 58:

43 owner may not, within a public **utility** easement, build or allow to be built any structure requiring slab support or footings.

44 support or footings.

45 ~~[[**(5)** A property owner may not change the contour of the ground within a **public utility**~~

46 ~~**easement if the change results in a natural gas pipeline having less than the greater of:**~~

47 ~~—(a) **24 inches of ground cover; or**~~

48 ~~—(b) **the amount of ground cover otherwise required by federal, state, or local law.**]]~~

49 ~~[[**(6)**]]~~ (5) (a) Except as provided in Subsection ~~[[**(6)**]]~~ (5) (b), a public utility easement is

50 nonexclusive and may be used by more than one public utility.

51 (b) Notwithstanding Subsection ~~[[**(6)**]]~~ (5) (a), a public utility may not:

52 (i) interfere with any facility of another public utility within the public utility easement;

53 or

54 (ii) infringe on the legally required distances of separation between public utility

- 55 facilities required by federal, state, or local law.
56 ~~[[-(7)-]]~~ (6) A subdivision plat that includes a public utility easement may not
receive final
57 approval for recording by a municipality or county unless the subdividor has
provided the municipality or county with proof that each public utility holding an
interest
58 in the public utility easement has , as a courtesy, been notified at least 14
calendar days prior to recording.

The motion passed unanimously with Representatives Curtis, Goodfellow, McCartney Styler, and Ure absent for the vote.

MOTION: Representative Snow moved to amend:

1. Page 2, Lines 42-44: Delete lines 42-44.

The motion passed unanimously with Representatives Curtis, Goodfellow, McCartney, Styler and Ure absent for the vote.

The sponsor then introduced the bill and explained its intent.

Ruland Gill, Questar, addressed questions from the committee.

Representative Adams, and Bryan Kohler, Realtors spoke in favor of the bill.

MOTION: Representative Bennion moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Curtis, McCartney, Snow, Styler, and Ure absent for the vote.

H.B. 36 Management, Enhancement, and Funding of 911 System (Rep. B. Dee)

This bill was not heard by the committee at the request of the sponsor.

MOTION: Representative Donnelson moved to adjourn. The motion passed unanimously with Representatives Curtis, McCartney, Snow, Styler, and Ure absent for the vote. The meeting adjourned at 8:50 a.m.

Rep. Stephen H. Urquhart, Chair