

1 **UTILITY SALE OR MERGER INVOLVING**
2 **FOREIGN COUNTRY**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Millie M. Peterson**

6 AN ACT RELATING TO PUBLIC UTILITIES; PROVIDING FOR THE GOVERNOR AND
7 THE LEGISLATURE'S FINAL APPROVAL BY CONCURRENT RESOLUTION OF A
8 UTILITY'S SALE, MERGER, OR ACQUISITION INVOLVING A FOREIGN COUNTRY
9 UPON RECOMMENDATION OF THE APPROVAL BY THE PUBLIC SERVICE
10 COMMISSION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 ENACTS:

13 **54-4-30.5**, Utah Code Annotated 1953

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **54-4-30.5** is enacted to read:

16 **54-4-30.5. Approval by the Legislature required if involving a foreign country.**

17 The commission shall recommend any actions approved under Sections 54-4-28, 54-4-29,
18 54-4-30, and 54-4-31 involving directly or indirectly a foreign country to the governor and the
19 Legislature for final approval by concurrent resolution.

20 Section 2. **Effective date.**

21 If approved by two-thirds of all the members elected to each house, this act takes effect
22 upon approval by the governor, or the day following the constitutional time limit of Utah
23 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
24 date of veto override.

Legislative Review Note

as of 2-1-99 10:42 AM

This legislation raises the following constitutional or statutory concerns:

The language in this bill appears to be without precedent in any other state. A limited legal review of this legislation encountered no court cases directly on point regarding any constitutional or statutory conflicts. However, a court might review the statute under federal or state constitutional provisions including equal protection and the federal power over interstate and foreign commerce. Alternatively, the state could make an argument that it has a compelling or substantial interest in regulating public utilities operating within the state because of the public interest they serve to its citizens.

Office of Legislative Research and General Counsel