



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • WEST OFFICE BUILDING, SUITE W115
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January 20, 2006

Mr. President:

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 99**, COUNTY RECORDER AMENDMENTS, by Senator D.

Thomas, with the following amendments:

1. *Page 1, Lines 16 through 19:*

- 16 beneath the person's signature; and
17 ▶ { ~~modifies a notice requirement related to subdivision plats that include a~~
 public
18 ~~utility easement to prohibit municipal or county approval of a plat unless proof of~~
19 ~~notice to affected public utilities is provided; and~~ }

2. *Page 2, Line 32:*

- 32 { ~~54-3-27, as enacted by Chapter 64, Laws of Utah 2004~~ }

3. *Page 4, Line 105 through Page 5, Line 135:*

- 105 { ~~Section 4. Section 54-3-27 is amended to read:~~
106 ~~—54-3-27. Public utility easement.~~
107 ~~—(1) As used in this section, "public utility easement" means the area on a~~
 recorded plat
108 ~~map or other recorded document that is dedicated to the use and installation of public~~
 utility

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109 **facilities:**
110 ~~— (2) (a) A public utility easement provides a public utility with:~~
111 ~~— (i) the right to install, maintain, operate, repair, remove, replace, or relocate public~~
112 ~~utility facilities; and~~
113 ~~— (ii) the rights of ingress and egress within the public utility easement for public utility~~
114 ~~employees, contractors, and agents.~~
115 ~~— (b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the~~
116 ~~expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other low level~~
117 ~~vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt damaged or~~
118 ~~displaced from the exercise of the easement rights described in Subsection (2)(a):~~
119 ~~— (3) Except as provided in Subsection (2)(b), if a property owner places improvements~~
120 ~~to land that interfere with the easement rights described in Subsection (2)(a), the property~~
121 ~~owner shall bear the risk of loss or damage to those improvements resulting from the exercise~~
122 ~~of the easement rights described in Subsection (2)(a):~~
123 ~~— (4) (a) Except as provided in Subsection (4)(b), a public utility easement is~~
124 ~~nonexclusive and may be used by more than one public utility.~~
125 ~~— (b) Notwithstanding Subsection (4)(a), a public utility may not:~~
126 ~~— (i) interfere with any facility of another public utility within the public utility easement;~~
127 ~~or~~
128 ~~— (ii) infringe on the legally required distances of separation between public utility~~
129 ~~facilities required by federal, state, or local law.~~
130 ~~— (5) A subdivision plat that includes a public utility easement may not be [recorded]~~
131 ~~approved by a municipal or county legislative body or its designee unless the subdivider has~~
132 ~~provided the municipality or county with proof that each public utility [as identified by the~~
133 ~~municipality or county as holding an interest in the public utility easement] that will provide~~
134 ~~service to the subdivision has, as a courtesy, been notified [at least 14 calendar days] by the~~
135 ~~owner or the owner's agent prior to [recording] approval. }~~

Renumber remaining sections accordingly.

Respectfully,

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Parley G. Hellewell
Committee Chair

Voting: 3-0-2

3 SB0099.SC1.WPD nduzett/RCN RHR/JTW 1/20/06 9:41 am

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