

**MINUTES OF THE SENATE GOVERNMENT OPERATIONS & POLITICAL SUBDIVISIONS  
STANDING COMMITTEE  
FRIDAY, JANUARY 20, 2006  
ROOM W020, WEST OFFICE BUILDING, CAPITOL BUILDING**

Members Present: Sen. Parley G. Hellewell, Chair  
Sen. Allen M. Christensen  
Sen. Gene Davis  
Sen. Karen Hale  
Sen. Bill Hickman

Staff Present: Rich North, Policy Analyst  
Nedra Duzett, Secretary

Public Speakers Present: Tom Patterson, Sentencing Commission  
Sandy Peck, League of Women Voters  
Gary Knapp, Utah Works, UACS  
Joyce Delcourt, The Arc of Utah  
Kris Fawsen, LCPD  
Fraser Nelson, Disability Law Center  
Douglas Richins, Division of Purchasing

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

Committee Chair Hellewell called the meeting to order at 8:05 a.m.

**MOTION:** Sen. Christensen moved to approve the minutes of the Jan. 18, 2006 meeting.

The motion passed unanimously with Sen. Hale and Sen. Davis being absent for the vote.

**1. S.B. 0055 Election Reform (L. A. Mansell)**

Sen. Mansell proposed a substitute bill.

**MOTION:** Sen. Christensen moved to accept the substitute bill for consideration.

The motion passed unanimously with Sen. Hale and Sen. Davis being absent for the vote.

Sen. Mansell explained that the substitute bill modifies the Election Code to provide the option to file a pledge of fair campaign practices and to establish criminal penalties related to issuing false information during campaigns.

Tom Patterson, Sentencing Commission, spoke to the bill.

Sandy Peck, League of Women Voters, spoke in favor of the bill.

**MOTION:** Sen. Christensen moved to pass the bill out favorably.

The motion passed unanimously with Sen. Hale being absent for the vote.

2. **S.B. 0110 Protection of Certain Voter Information** (L. Hillyard)

Sen. Hillyard explained that the bill provides certain privacy protections to judges who register to vote and who file for a retention election.

**MOTION:** Sen. Hickman moved to pass the bill out favorably.

The motion passed unanimously with Sen. Hale being absent for the vote.

3. **S. B. 0059 Purchasing from People with Disabilities Amendments** (S. Killpack)

Sen. Killpack gave an overview of the bill.

The following individuals spoke in favor of the bill:

Gary Knapp, Utah Works  
Joyce Delcourt, The Arc of Utah  
Kris Fawsen, LCPD  
Fraser Nelson, Disability Law Center

Douglas Richins, Division of Purchasing, spoke to the committee on concerns he had regarding the bill.

**MOTION:** Sen. Davis moved to pass the bill out favorably.

The motion passed unanimously with Sen. Hale being absent for the vote.

4. **S.B. 0099 County Recorder Amendments** (D. Thomas)

Sen. Thomas explained the bill and proposed it be amended as follows:

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~~  
108     ~~recorded plat~~  
109     ~~map or other recorded document that is dedicated to the use and installation of public~~  
110     ~~utility~~  
111     ~~facilities:~~  
112     ~~— (2) (a) A public utility easement provides a public utility with:~~  
113     ~~— (i) the right to install, maintain, operate, repair, remove, replace, or relocate~~  
114     ~~public~~  
115     ~~utility facilities; and~~  
116     ~~— (ii) the rights of ingress and egress within the public utility easement for public~~  
117     ~~utility~~  
118     ~~employees, contractors, and agents.~~  
119     ~~— (b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the~~  
120     ~~expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other~~  
121     ~~low-level~~  
122     ~~vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt~~  
123     ~~damaged or~~  
124     ~~displaced from the exercise of the easement rights described in Subsection (2)(a):~~  
125     ~~— (3) Except as provided in Subsection (2)(b), if a property owner places~~  
126     ~~improvements~~  
127     ~~to land that interfere with the easement rights described in Subsection (2)(a), the~~  
128     ~~property~~  
129     ~~owner shall bear the risk of loss or damage to those improvements resulting from the~~  
130     ~~exercise~~  
131     ~~of the easement rights described in Subsection (2)(a):~~  
132     ~~— (4) (a) Except as provided in Subsection (4)(b), a public utility easement is~~  
133     ~~nonexclusive and may be used by more than one public utility.~~  
134     ~~— (b) Notwithstanding Subsection (4)(a), a public utility may not:~~  
135     ~~— (i) interfere with any facility of another public utility within the public utility~~  
136     ~~easement;~~  
137     ~~or~~  
138     ~~— (ii) infringe on the legally required distances of separation between public utility~~  
139     ~~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.**

**MOTION:** Sen. Christensen moved to adopt the amendment on the bill.

The motion passed unanimously with Sen. Hale being absent for the vote.

**5. S.B. 0100 County Officer Amendments (D. Thomas)**

Sen. Thomas explained that the bill modifies provisions relating to counties.

**MOTION:** Sen. Hale moved to pass the bill with a favorable recommendation.

The motion passed with Sen. Davis being absent for the vote.

**MOTION:** Sen. Hickman moved to adjourn.

The motion passed unanimously with Sen. Davis being absent for the vote.

Committee Chair Hellewell adjourned the meeting at 9:05 a.m.

Minutes reported by Nedra Duzett, Secretary

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Sen. Parley G. Hellewell, Committee Chair