

**MINUTES OF THE HOUSE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room W025, West Office Building, State Capitol Complex
February 8, 2008**

MEMBERS PRESENT: Rep. Michael Noel, Chair
Rep. Aaron Tilton, Vice Chair
Rep. Jim Bird
Rep. Mel Brown
Rep. Rebecca Chavez-Houck
Rep. Janice Fisher
Rep. Lynn Hemingway
Rep. Fred Hunsaker
Rep. Steven Mascaro
Rep. Kay McIff
Rep. Bradley Winn

STAFF PRESENT: John Q. Cannon, Managing Policy Analyst
Linda Black, Committee Secretary

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

Rep. Noel called the meeting to order at 8:05 a.m.

MOTION: Rep. Mascaro moved to approve the minutes of February 5, 2008. The motion passed unanimously with Rep. Bird, Rep. Fisher, Rep. Winn and Rep. Tilton absent for the vote.

H.B. 295 Public School Electronic Device Policies (*Rep. S. Allen*)

Rep. Allen presented the bill.

Spoke for the bill: Michelle Beus, Legal Issues Specialist, Davis County School District

MOTION: Rep. Mascaro moved to amend the bill as follows:

1. *Page 1, Lines 17 through 19:*

- 17 ▶ ~~{allows}~~ requires the State Board of Education to make rules that
 provide:
18 • additional direction for school district and charter school policies; and
19 • a model policy for local boards of education and charter schools.

2. *Page 3, Lines 60 through 64:*

- 60 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

- the
- 61 State Board of Education ~~{may}~~ shall make rules that provide:
62 (a) additional direction for school district and charter school policies; and
63 (b) a model policy governing the use of electronic devices for consideration or
64 guidance to local boards of education and charter schools.

The motion passed unanimously with Rep. Winn and Rep. Tilton absent for the vote.

Spoke in favor
of the bill: James Graf, teacher, Cedar City, Iron County

MOTION: Rep. Mascaro moved to pass the bill out favorably. The motion passed with Rep. Bird voting in opposition. Rep. McIff, Rep. Tilton, and Rep. Winn were absent for the vote.

H.B. 341 Damage to Underground Utility Facilities Amendments (*Rep. D. Clark*)

Rep. D. Clark presented the bill. (handout)

MOTION: Rep. Hunsaker moved to amend the bill as follows:

1. *Page 3, Lines 64 through 65:*

- 64 ~~{(2)}~~ (3) "Emergency" means an occurrence or suspected natural gas leak
necessitating immediate action to prevent
65 or mitigate loss of, or damage to, life, health, property, or essential public services.

2. *Page 5, Lines 140 through 145:*

- 140 (b) The requirements of Subsection (1)(a) do not apply:
141 (i) if there is an emergency;
142 (ii) while gardening; ~~{+}~~ or ~~{+}~~
143 (iii) while tilling private ground ~~{+}~~ . ~~{+}~~ ~~{;or}~~
144 ~~—(iv) while probing with an industry-approved probe bar to determine the~~
~~presence or~~
145 ~~extent of a natural gas leak in the ground.~~ }

3. *Page 6, Line 155:*

- 155 (i) location , with reasonable specificity ;

4. Page 7, Line 204:

204 (ii) notify the excavator, by telephonic or electronic message or indication at the
excavation site, that

5. Page 9, Line 266:

266 (b) An operator may waive , in writing or electronically, the requirement that
the excavator determine the exact

6. Page 10, Lines 286 through 289:

286 (b) An excavator is [not] liable for damage {~~to an underground~~
facility} incurred by an operator if [an operator
287 has failed to comply with Section 54-8a-5 or 54-8a-9.];
288 (i) the operator complies with Section 54-8a-5; and
289 (ii) the damage occurs within 24 inches of the operator's markings.

7. Page 10, Lines 297 through 298:

297 (b) immediately call 911 if the excavation {~~results~~} may result in {~~the~~
escape of a flammable gas or
298 toxic or corrosive gas or liquid, or damages an electrical line} an immediate risk
to human life .

8. Page 11, Lines 311 through 321:

311 (3) Notwithstanding Subsection (2)(a) a penalty under this chapter may not be
312 imposed {~~:~~
313 ~~(a)~~} on an excavator or operator unless the excavator or operator fails to
comply with this chapter and damages
314 an underground facility {~~:~~ or
315 ~~(b) on an operator unless:~~
316 ~~(i) (A) the operator fails to respond to a location request under Section 54-8a-5~~
in order
317 to prevent damage to the facility; or
318 ~~(B) the operator fails to take reasonable steps, in response to a location request,~~
to
319 ensure accurate marking of the facility in order to prevent damage to the facility; and
320 ~~(ii) damage occurs to an underground facility as a result of the operator's failure~~
under

321 ~~Subsection (3)(b)(i)(A) or (B)~~ .

The motion passed unanimously with Rep. McIff, Rep. Tilton, and Rep. Winn absent for the vote.

Rep. Noel relinquished the Chair to Rep. Hunsaker (8:40 a.m.).
Rep. Hunsaker relinquished the Chair to Rep. Tilton (8:45 a.m.).
Rep. Noel assumed the Chair (9:00 a.m.).

Spoke to the bill: Vaughn Shosted, Questar
Mike Ostermiller, Questar
Gary Hansen, Executive Director, Blue Stakes of Utah
Mark Stanley, Salt Lake City Public Utilities

Spoke in opposition
of the bill: Karianne Lisonbee, citizen

MOTION: Rep. McIff moved to further amend the bill as follows:

1. *Page 1, Line 21:*

21 { ~~addresses liability of an excavator;~~ }

2. *Page 10, Lines 290 through 291:*

290 { ~~(3) Notwithstanding Subsection 54-8a-4(1)(b)(i), an excavator is liable for~~
~~damage to~~
291 ~~an underground facility that occurs during an emergency.~~ }

SUBSTITUTE

MOTION: Rep. Tilton moved to amend the bill as follows:

1. *Page 10, Lines 290 through 291:*

290 (3) Notwithstanding Subsection 54-8a-4(1)(b)(i), an excavator is liable for damage to
291 an underground facility that { ~~occurs during~~ } causes an emergency.

The motion failed with Rep. Tilton voting in favor.

SUBSTITUTE

Public Utilities & Technology Standing Committee

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MOTION: Rep. Tilton moved to pass the bill out favorably as amended. The motion failed with Rep. Bird, Rep. Brown, Rep. Chavez-Houck, Rep. Hunsaker, Rep. McIff, and Rep. Winn voting in opposition.

MOTION: Rep. Brown moved previous question on the original motion. The motion passed unanimously.

Rep. McIff's original motion to amend passed with Rep. Fisher, Rep. Noel, Rep. Tilton, and Rep. Winn voting in opposition.

MOTION: Rep. Tilton moved to adjourn. The motion failed with Rep. Bird, Rep. Brown, Rep. Hunsaker, Rep. McIff, Rep. Mascaro and Rep. Winn voting in opposition.

MOTION: Rep Mascaro moved to pass the bill out favorably as further amended. The motion passed with Rep. Noel voting in opposition.

MOTION: Rep. Brown moved to adjourn. The motion passed unanimously. Rep. Noel adjourned the meeting at 10:00 a.m.

Rep. Michael Noel, Chair