

**MINUTES OF THE SENATE TRANSPORTATION &
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
WEDNESDAY, MARCH 2, 2011
ROOM 215, SENATE BUILDING**

Members Present: Sen. Kevin Van Tassell, Chair
Sen. Stuart Adams
Sen. Scott Jenkins
Sen. Peter Knudson
Sen. Karen Mayne

Staff Present: Leif Elder, Policy Analyst
Lorna Wells, Committee Secretary

Public Speakers Present: Jennifer Kohler, Attorney, Utah Transit Authority
Nancy Anderson, Deputy General Counsel, Microsoft Corporation
Jonathan Zuck, President, Association for Competitive Technology
Tom Bingham, President, Utah Manufacturers Association
David Stewart, Verizon
Dave Davis, President, Retailers Association
Lincoln Shurtz, Government Affairs, Utah League of
Cities and Towns
Paul Rogers, Allied Waste
Rob Jolley, Intermountain Landfill
Richard Ellis, State Treasurer
Blaine Carlton, Ballard Spahr Andrews and Ingersoll Law Firm
David Purinton, Licensed Claims Adjuster
Chris Purcell, State Farm Insurance
Wayne Jones, Executive Director, Recreational Vehicle Dealers
Association
Scott Reed, Assistant Attorney General
Kirk Torgensen, Chief Deputy Attorney General

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

Chair Van Tassell called the meeting to order at 4:10 p.m.

Approval of Minutes

MOTION: Sen. Adams moved to approve minutes of the March 1, 2011, meeting.

The motion passed unanimously with Sens. Adams and Jenkins absent for the vote.

1. **S.B. 301 Public Transit Revisions** (*J. Stevenson*)

Sen. Stevenson explained the bill assisted by Jennifer Kohler, Attorney, Utah Transit Authority.

MOTION: Sen. Knudson moved to transmit S.B. 301 with a favorable recommendation.

The motion passed unanimously with Sens. Adams and Jenkins absent for the vote.

2. **S.B. 244 Salt Lake County Highway Project Funding** *W. Niederhauser*)

Sen. Niederhauser explained the bill and answered questions from the Committee.

MOTION: Sen. Mayne moved to transmit S.B. 244 with a favorable recommendation.

The motion passed unanimously with Sen. Jenkins absent for the vote.

3. **S.B. 201 Protection Against Unfair Competition Through Misappropriated Technology** Act *(C. Bramble)*

Sen. Bramble explained the bill assisted by Nancy Anderson, Deputy General Council, Microsoft Corporation and answered questions from the Committee.

Jonathan Zuck, President, Association for Competitive Technology spoke in support of the bill.

Tom Bingham, President, Utah Manufacturers Association; David Stewart, Verizon and Dave Davis, President, Retailers Association spoke in opposition to the bill.

MOTION: Sen. Adams moved to transmit S.B. 201 with a favorable recommendation.

The motion passed unanimously.

Sen. Adams assumed the Committee Chair.

4. **S.B. 68 Solid Waste Amendments - Financial Assurance Requirements** *(K. Van Tassell)*

MOTION: Sen. Van Tassell moved to delete in title and body S.B. 68 and replace it with 1st Sub. S.B. 68.

The motion passed unanimously.

The following amendments were distributed:

1. *Page 1, Lines 23 through 24:*

23 ▶ clarifies the approval process required to build certain commercial nonhazardous
or

24 hazardous waste facilities; ~~{and}~~

= ▶ provides that a person that has received each approval to build a commercial nonhazardous solid waste disposal facility that requires approval by the Legislature and the governor, may not transfer the approvals, including the approved operation plan, to another person within five years after the day on which the governor's approval is received; and

2. *Page 4, Lines 109 through 116:*

109 (C) a commercial hazardous waste treatment, storage, or disposal facility.

110 (iii) The required approvals described in Subsection (3)(c)(i) for a facility described
in

111 Subsection (3)(c)(ii)(A) or ~~(3)(c)(ii)~~ (B) are automatically revoked if:

112 (A) the governor's approval is received on or after May 10, 2011, and the facility
is not

113 operational within five years after the day on which the governor's approval is received; or

114 (B) the governor's approval is received before May 10, 2011, and the facility is
not

115 operational on or before May 10, 2016.

= (iv) The required approvals described in Subsection (3)(c)(i) for a facility described in Subsection (3)(c)(ii)(A) or (B), including the approved operation plan, are not transferrable to another person for five years after the day on which the governor's approval is received. =

116 (d) No person need obtain gubernatorial or legislative approval for the construction
of

MOTION: Sen. Jenkins moved to adopt the amendments.

The motion passed unanimously.

Sen. Van Tassell explained the bill and answered questions from the Committee.

Lincoln Shurtz, Government Affairs, Utah League of Cities and Towns; Paul Rogers, Allied Waste and Rob Jolley, Intermountain Landfill spoke in support of the bill.

MOTION: Sen. Jenkins moved to transmit 1st Sub. S.B. 68 with a favorable

81 insurance coverage policy claim by court of competent jurisdiction in a final unappealable
82 judgment or order.

MOTION: Sen. Mayne moved to adopt the amendment.

The motion passed unanimously.

Chris Purcell, State Farm Insurance spoke to the bill.

MOTION: Sen. Knudson moved to transmit S.B. 310 with a favorable recommendation.

The motion passed unanimously.

7. **H.B. 371 Motor Home Taxes and Fees** (*D. Ipson*)

Rep Ipson explained the bill with the assistance of Wayne Jones, Executive Director, Recreational Vehicle Dealers Association and answered questions from the Committee.

MOTION: Sen. Jenkins moved to transmit H.B. 371 with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Jenkins moved that H.B. 371 be placed on the Consent Calendar.

The motion passed unanimously.

8. **H.B. 444 Operations and Maintenance Needs Report for Utah Highways** (*Julie Fisher*)

Sen. Adams explained the bill on behalf of Rep. Fisher.

MOTION: Sen. Adams moved to transmit H.B. 444 with a favorable recommendation.

The motion passed unanimously with Sens. Jenkins and Knudsen absent for the vote.

MOTION: Sen. Adams moved that H.B. 444 be placed on the Consent Calendar.

The motion passed unanimously with Sens. Jenkins and Knudson absent for the vote.

9. **H.B. 351 Homeless Coordinating Committee Modifications** (*V. Peterson*)

Rep. Peterson explained the bill.

MOTION: Sen. Mayne moved to transmit H.B. 351 with a favorable recommendation.

The motion passed unanimously with Sens. Jenkins and Knudson absent for the vote.

MOTION: Sen. Mayne moved that H.B. 351 be placed on the Consent Calendar.

The motion passed unanimously with Sens. Jenkins and Knudson absent for the vote.

10. **S.B. 228 Criminal Forfeiture Amendments** (*D. Liljenquist*)

Sen. Liljenquist explained the bill assisted by Scott Reed, Assistant Attorney General.

Kirk Torensen, Chief Deputy Attorney General spoke in support of the bill.

MOTION: Sen. Adams moved to transmit S.B. 228 with a favorable recommendation.

The motion passed unanimously with Sen. Knudson absent for the vote.

MOTION: Sen. Adams moved to adjourn.

The motion passed unanimously.

Chair Van Tassell adjourned the meeting at 5:30 p.m.

Minutes reported by Lorna Wells, Secretary.

Sen. Kevin Van Tassell, Committee Chair