

**MINUTES OF THE
HOUSE REVENUE AND TAXATION
STANDING COMMITTEE**

Room 445, State Capitol
February 27, 2014

Members Present: Rep. Ryan Wilcox, Chair
Rep. Jim Nielson, Vice Chair
Rep. Jake Anderegg
Rep. Joel Briscoe
Rep. Tim Cosgrove
Rep. Steve Eliason
Rep. Gage Froerer
Rep. Francis Gibson
Rep. Eric Hutchings
Rep. Brian King
Rep. John Knotwell
Rep. Kay McIff
Rep. Doug Sagers
Rep. Jon Stanard
Rep. Earl Tanner

Members Absent: Rep. Mel Brown

Staff Present: Mr. Leif G. Elder, Policy Analyst
Ms. An Bradshaw, Secretary

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

Chair Wilcox called the meeting to order at 8:16 a.m.

H.B. 364 Eminent Domain and Public Recreation (Rep. M. Roberts)

Rep. Roberts explained the bill to the committee.

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

1. Page 1, Line 24 through Page 3, Line 85:

24 (1) Subject to the provisions of this part, the right of eminent domain may be
exercised on
25 behalf of the following public uses:
26 ~~{(1)}~~ (a) all public uses authorized by the federal government;
27 ~~{(2)}~~ (b) public buildings and grounds for the use of the state, and all other
public uses

28 authorized by the Legislature;

29 ~~{(3)(a)}~~ (c)(i) public buildings and grounds for the use of any county, city,
town, or board of

30 education;

31 ~~{(b)}~~ (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for
conducting water or

32 sewage, including to or from a development, for the use of the inhabitants of any county,
city,

33 or town, or for the draining of any county, city, or town;

34 ~~{(c)}~~ (iii) the raising of the banks of streams, removing obstructions from
streams, and

35 widening, deepening, or straightening their channels;

36 ~~{(d)}~~ (iv) bicycle paths and sidewalks adjacent to paved roads;

37 ~~{(e)}~~ (v) roads, byroads, streets, and alleys for public vehicular use,
including for access to a

38 development, excluding trails, paths, or other ways for walking, hiking, bicycling,
equestrian

39 use, or other recreational uses, or whose primary purpose is as a foot path, equestrian trail,
40 bicycle path, or walkway; and

41 ~~{(f)}~~ (vi) all other public uses for the benefit of any county, city, or town, or
its inhabitants;

42 ~~{(4)}~~ (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads,
byroads, plank

43 and turnpike roads, roads for transportation by traction engines or road locomotives, roads
for

44 logging or lumbering purposes, and railroads and street railways for public transportation;

45 ~~{(5)}~~ (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels,
aqueducts and pipes

46 for the supplying of persons, mines, mills, smelters or other works for the reduction of
ores,

47 with water for domestic or other uses, or for irrigation purposes, or for the draining and
48 reclaiming of lands, or for the floating of logs and lumber on streams not navigable, or for
solar

49 evaporation ponds and other facilities for the recovery of minerals in solution;

50 ~~{(6)(a)}~~ (f)(i) roads, railroads, tramways, tunnels, ditches, flumes, pipes,

and dumping places

51 to access or facilitate the milling, smelting, or other reduction of ores, or the working of
mines,

52 quarries, coal mines, or mineral deposits including oil, gas, and minerals in solution;

53 ~~{(b)}~~ (ii) outlets, natural or otherwise, for the deposit or conduct of tailings,
refuse or water

54 from mills, smelters or other works for the reduction of ores, or from mines, quarries, coal
55 mines or mineral deposits including minerals in solution;

56 ~~{(c)}~~ (iii) mill dams;

57 ~~{(d)}~~ (iv) gas, oil or coal pipelines, tanks or reservoirs, including any
subsurface stratum or

58 formation in any land for the underground storage of natural gas, and in connection with
that,

59 any other interests in property which may be required to adequately examine, prepare,
60 maintain, and operate underground natural gas storage facilities;

61 ~~{(e)}~~ (v) solar evaporation ponds and other facilities for the recovery of
minerals in solution;

62 and

63 ~~{(f)}~~ (vi) any occupancy in common by the owners or possessors of
different mines, quarries,

64 coal mines, mineral deposits, mills, smelters, or other places for the reduction of ores, or
any

65 place for the flow, deposit or conduct of tailings or refuse matter;

66 ~~{(7)}~~ (g) byroads leading from a highway to:

67 ~~{(a)}~~ (i) a residence; or

68 ~~{(b)}~~ (ii) a farm;

69 ~~{(8)}~~ (h) telegraph, telephone, electric light and electric power lines, and
sites for electric

70 light and power plants;

71 ~~{(9)}~~ (i) sewage service for:

72 ~~{(a)}~~ (i) a city, a town, or any settlement of not fewer than 10 families;

73 ~~{(b)}~~ (ii) a public building belonging to the state; or

74 ~~{(c)}~~ (iii) a college or university;

75 ~~{(10)}~~ (j) canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for
supplying and

76 storing water for the operation of machinery for the purpose of generating and transmitting
77 electricity for power, light or heat;
78 ~~{(11)}~~ (k) cemeteries and public parks, except for a park whose primary use
 is:
79 ~~{(a)}~~ (i) as a trail, path, or other way for walking, hiking, bicycling, or
 equestrian use; [or]
80 ~~{(b)}~~ (ii) to connect other trails, paths, or other ways for walking, hiking,
 bicycling, or
81 equestrian use; or
82 ~~{(c)}~~ (iii) except as provided in Subsection (2), as a golf course;
83 ~~{(12)}~~ (l) pipelines for the purpose of conducting any and all liquids
 connected with the
84 manufacture of beet sugar; and
85 ~~{(13)}~~ (m) sites for mills, smelters or other works for the reduction of ores
 and necessary to

2. *Page 4, Line 97:*

97 reduction of ores.

(2) Subsection (1)(k)(iii) does not apply to an exercise of eminent domain by the Department of Transportation to acquire property intended, in whole or in part, for use as a golf course if the property acquired by eminent domain is needed:

(a)(i) to exchange for other real property that is devoted to or held for public use; and

(ii) for a state transportation purpose; or

(b) to mitigate the impacts of a public transportation project.

The motion to amend passed unanimously with Rep. Briscoe, Rep. Cosgrove, Rep. Froerer, Rep. Gibson, Rep. Hutchings, and Rep. McIff absent for the vote.

Spoke for the bill: Sterling Brown, Utah Farm Bureau

Spoke to the bill: Lincoln Shurtz, Utah League of Cities and Towns

MOTION: Rep. King moved to pass the bill out favorably. The motion passed unanimously with Rep. Froerer and Rep. McIff absent for the vote.

MOTION: Rep. Gibson moved to place HB364 on the Consent Calendar. The motion failed on a voice vote.

H.B. 381 Local Government Interfund Loans (*Rep. J. Knotwell*)

Rep. Knotwell explained the bill to the committee.

Spoke for the bill: John Dougall, State Auditor

Spoke to the bill: Arie Van De Graaff, Utah Association of Counties

MOTION: Rep. Anderegg moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Nielson moved to adjourn the meeting. The motion passed with Rep. Anderegg voting in opposition.

Chair Wilcox adjourned the meeting at 8:50 a.m.

Ryan D. Wilcox, chair