

**MINUTES OF THE BUSINESS/LABOR
AND ECONOMIC DEVELOPMENT STANDING COMMITTEE
THURSDAY, JANUARY 31, 2002
Room 403, STATE CAPITOL BUILDING**

Members Present: Sen. Dan Eastman, Chair
Sen. Parley Hellewell
Sen. Curtis Bramble
Sen. Ed Mayne
Sen. L. Steven Poulton

Member Absent: Sen. Gene Davis
Sen. Terry Spencer

Staff Present: Mary Catherine Perry, Research Analyst
Jeanne Wride, Committee Secretary

Public Speakers Present: Peter Ashdown, Xmission; Richard Nelson, UITA; Bill Meaders, DMA; Kevin Call, Utah Association of Realtors; Colleen Paderewski, citizen; Bill Welsh, Credit Bureau of Provo; Dave Spatefore, Utah League of Cities and Counties and Kevin Boardman, Utah Power/Pacificorp.

Visitors list on File

Chair Eastman called the meeting to order at 3:55 p.m.

MOTION: Sen. Eastman moved to approve minutes of the January 29, 2002 meeting.

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

1. H.B. 255 UTAH HOUSING CORPORATION AMENDMENTS (Rep. R. Bigelow)

Rep. Bigelow presented the bill to the committee.

MOTION: Sen. Mayne moved to amend the bill as follows:

1. Page 15, Line 434
House Floor Amendments
1-24-2002: Delete "corporation" and insert "Utah Housing Corporation"

The motion passed with Sen. Poulton and Sen. Davis absent for the vote.

MOTION: Sen. Mayne moved to pass H. B.125 out of committee as amended.

The motion passed with Sen. Poulton and Sen. Davis absent for the vote.

2. **1ST Sub. H.B. 80 UNSOLICITED COMMERCIAL EMAIL (Rep. P. Arent)**

Rep. Arent presented the bill to the committee.

MOTION: Sen. Bramble moved to amend the bill as follows:

1. Page 2, Line 33
House Floor Amendments,
1-25-2002: After "recipient;" delete "and" and insert "or"
2. Page 3, Line 71
House Floor Amendments,
1-25-2002: After line 71 insert:

"(4) An email service provider does not violate this section solely by being an intermediary between the sender and recipient in the transmission of an email that violates this section."

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

MOTION: Sen. Davis moved to amend the bill as follows:

1. Page 1, Lines 7-7a
House Floor Amendments,
1-25-2002: Delete "**The act provides a criminal penalty for a violation of those requirements.**"
2. Page 3, Lines 72 - 72f
House Floor Amendments,
1-25-2002: Delete lines 72 through 72f

Renumber remaining sections accordingly.

3. Page 3, Line 72g
House Floor Amendments,
1-25-2002: Delete "**63D-2-105**" and insert "**63D-2-104**"

4. Page 3, Line 73
House Floor Amendments,
1-25-2002: Delete "63D-2-105." and reinstate "63D-2-104."

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

SUB. MOTION: Sen. Hellewell moved to move on to the next item on the agenda.

The motion failed ?

MOTION: Sen. Davis moved to pass 1st Sub H.B. 80 out of committee with a favorable recommendation.

The motion passed with Sen. Hellewell and Sen. Bramble voting against and Sen. Poulton absent for the vote.

3. S.B. 60 UTAH CONSUMER CREDIT REPORTING ACT (Sen. G. Davis)

Sen. Davis presented the bill to the committee.

Colleen Paderewski, citizen, spoke in favor of the bill. Bill Welsh, Credit Bureau of Provo spoke in opposition.

MOTION: Sen. Mayne moved to pass S.B. 60 out of committee with a favorable recommendation.

The motion failed with Sen. Eastman, Sen. Hellewell, Sen. Poulton and Sen. Bramble voting against.

4. S.B. 145 OUTDOOR ADVERTISING SIGN PROXIMITY OT UTILITY LINES (Sen. Terry Spencer)

Sen. Spencer presented the bill to the committee.

Dave Spatefore, Utah League of Cities and Counties and Kevin Bordman, Utah Power and Light/Pacificorp, spoke to the bill.

MOTION: Sen. Hellewell moved to amend the bill as follows:

1. Page 1, Line 18: After line 18 insert:
"72-7-510, as last amended by Chapter 21, Laws of Utah 1999"

2. Page 4, Line 118: After line 118 insert:
"Section 4. Section **72-7-510** is amended to read:
"72-7-510. Existing outdoor advertising not in conformity with part -- Procedure --Eminent domain -- Compensation -- Relocation.
- (1) As used in this section, "nonconforming sign" means a sign that has been erected in a zone or area other than commercial or industrial or where outdoor advertising is not permitted under this part.
- (2) (a) The department may acquire by gift, purchase, agreement, exchange, or eminent domain, any existing outdoor advertising and all property rights pertaining to the outdoor advertising which were lawfully in existence on May 9, 1967, and which by reason of this part become nonconforming.
- (b) If the department, or any town, city, county, governmental entity, public utility, or any agency or the United States Department of Transportation under this part, prevents the maintenance as defined in Section 72-7-502, or requires that maintenance of an existing sign be discontinued, the sign in question shall be considered acquired by the entity and just compensation will become immediately due and payable.
- (c) Eminent domain shall be exercised in accordance with the provision of Title 78, Chapter 34, Eminent Domain.
- (3) (a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land a sign is located, acquired through the processes of eminent domain.
- (b) For the purposes of this part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company's interest, which remaining properties, together with the properties actually condemned, constituted an economic unit.
- (c) The department is empowered to remove signs found in violation of Section 72-7-508 without payment of any compensation.
- (4) Except as specifically provided in this section or Section 72-7-513, this part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation,

alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this part and in Title 78, Chapter 34, Eminent Domain.

(5) Except as provided in Section 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under 23 U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated and are immediately available to this state.

(6) (a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:

(i) on the same property;

(ii) on adjacent property;

(iii) on the same highway within 5280 feet of the previous location, which may be extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either side of the same highway; or

(iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

(b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(d) The relocated and remodeled use or structure may be:

(i) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

(ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;

(iii) relocated to a comparable vehicular traffic count.

(7) (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

(8) If an outdoor advertising structure is required to be moved to comply with the requirement of Subsection 54-8c-2(1) with respect to its distance from a high voltage overhead line or to comply with a requirement imposed by the National Electrical Safety Code or any other applicable regulation promulgated by a federal agency, the county or municipality in which the outdoor advertising structure is located:

(a) may not withhold any necessary approval of the move or of the outdoor advertising structure at its location after the move; and

(b) shall, if necessary, accommodate the move by a special exception to its zoning ordinance.

Renumber remaining sections accordingly.

Page 5, Lines 142 - 143: Bracket "at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107"

The motion passed with Sen. Mayne absent for the vote

MOTION: Sen. Hellewell moved to amend the bill as follows.

1. Page 1, Lines 16-18: Delete lines 16-18
2. Page 1, Lines 21-27: Delete lines 21 through 27
3. Page 2, Lines 28-58: Delete lines 28 through 58
4. Page 3, Lines 59-89: Delete lines 59 through 89
5. Page 4, Lines 90-118: Delete lines 90 through 118

Renumber remaining sections accordingly.

6. Page 5, Lines 149: Delete "54-8c-2(1)" and insert "54-8c-2"

MOTION: Sen. Mayne moved to pass S. B. 145, as amended, out of committee with a favorable recommendation.

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

MOTION: Sen. Bramble moved to adjourn.

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

Chair Eastman adjourned the meeting at 5:05 p.m.

Minutes recorded by Jeanne Wride, Secretary

Sen. Dan Eastman, Chair

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