

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 181

Call to Order: By SENATOR LORENTS GROSFIELD, on April 4, 1995,
at 12:36 p.m. in Room 405.

ROLL CALL

Members Present:

Sen. Lorents Grosfield (R)
Sen. Larry J. Tveit (R)
Sen. Jeff Weldon (D)
Rep. Shiell Anderson (R)
Rep. Jeanette S. McKee (R)

Members Excused: Rep. Joe Tropila (D)

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Carla Turk, Secretary

Discussion:

CHAIRMAN LORENTS GROSFIELD stated this was the Conference Committee on SB 181 dealing with the House Committee Amendments. He asked for a brief explanation of the amendments.

SENATOR JEFF WELDON reported the House Committee as having placed three amendments on the Bill. He said the first reinserted an original section of the Bill which dealt with signs being placed on one side of the road versus placement on both or either side of the road. He described the second amendment as the definition of nonconforming and what it meant. He described the third amendment as a technical amendment which the Department had requested. **SENATOR WELDON** stated that he believed the only issue the Conference Committee may have to address was amendment # 3 addressing the language on page 3 of the Bill. He identified that amendment as appearing on page 3 of 4 in the (green) House Standing Committee Report and described it as the definition of "Unzoned commercial or industrial" area. He said the Bill and amendment struck "and those lands directly opposite on the other side of the highway" and described the affect as billboards in unzoned commercial or industrial areas being allowed only on one side of the road.

CHAIRMAN GROSFIELD queried as to whether the amendments had been rejected by the Senate, with respect to that issue, and the other amendments not being an issue? **SENATOR WELDON** said he thought that was accurate and stated that **SENATOR LARRY TVEIT** had made the motion to not concur and remembered his comments as specifically directed to the one on both sides of the road issue.

CHAIRMAN GROSFIELD asked **SENATOR TVEIT** if he wished to comment? **SENATOR TVEIT** stated the Senate Highways and Transportation Committee had no problem with any of the amendments except the one requiring that the two signs both be placed on one side of the road. He reported the Committee as having a lengthy discussion on that specific topic and their express desire to consider topographic elements when requiring placement of both signs on one side of the road. He said the Committee had felt there should be latitude regarding location because sign companies had lost approximately two thirds of their business with reduction of sign numbers from six or eight to the proposed two. He summarized those as the basic reasons the Committee had voted not to concur.

CHAIRMAN GROSFIELD stated there were members of the public present who had come some distance for the meeting and expressed a desire to offer the opportunity for each to make a short statement.

Lars Lethander, Frontier Outdoor Advertising, Billings, said their company had originally asked that the two sides language be left in and reported that as what the Senate Highways and Transportation Committee had concurred in. He expressed his impression as this having become a rather major issue and verbalized being astounded as to why? He related SB 181 as a concurrence of the task force which they would go along with even though they had not been a member. He said Frontier felt that through the consensus of willingly dropping from six or eight signs to two, taking from 66% to 85% of their potential business away in an unzoned commercial industrial area, was quite a hit. He said they felt it was fair to ask for at least a 50% chance on the two remaining signs. **Mr. Lethander** stated that any opposing statements supporting two signs on one side of the road for scenery value were not really an argument because signs could actually end up ruining scenery on the one side. He also cited topography as a potential problem given the new provisions in SB 183 and expressed concern regarding reader abilities. He summarized their language request by asking fairness in giving them a break on the sites remaining and termed the rest of SB 181 as fine.

Rose Magnuson stated the reason for the task force was to assure development of a plan which was more compatible with the State's natural resources and scenery. She said they felt the old pattern of sign placement was one of the least restrictive in the nation. She reported the task force as having studied how other

states had kept their character. She reported that the states had accomplished their goal by clustering and that was why they sought two sites on one side of the road.

Jim Pannell, speaking for his employer Myhre Advertising, said their number one concern as an outdoor advertising company in Montana was that they needed the Bill. He stated that he had FAXed Myhre's position to each committee member. He expressed their strong feelings that SB 181 needed to be passed and stated they would appreciate passage in the context of Montana's proliferation of signs. He termed passage as placing Montana in the prospective of entering the year 2000 which was their supreme concern.

SENATOR WELDON reviewed the written statement that if Myhre, with over one thousand signs, could live with the specifically identified compromise of two signs on one side of the road, you were quite sure that Frontier and other out-of-state companies could too. He asked **Mr. Pannell** to specifically address the issue this Conference Committee would have to settle which was one side or both sides of the road? **Mr. Pannell** said they had currently existed almost forty years in Montana in outdoor advertising and presently there were a number of out-of-state companies positioned to move into Montana for the purpose of building a lot of signs. He conceptualized that one of these companies had come to Montana for the purpose of obtaining permits to sell structures at some point in time. He termed this as a new occurrence and reported the process as having torn up their business in the Flathead Valley. He articulated their main problem as a need for control so they could be treated as a futuristic industry with the ability to serve their business clients.

CHAIRMAN GROSFIELD stated he felt the only issue anyone was speaking to was the sides of the road and the rest of the House amendments appeared acceptable to everyone.

CO-CHAIRMAN SHIELL ANDERSON asked if allowing on both sides of the road rather than one side would actually increase the number of signs? **SENATOR WELDON** answered no, the Bill limited the number to two. He said he thought current law allowed up to six or eight on one side of the road and the compromise consensus of the task force had been two. He said the task force had also agreed on one side of the road and that was because of the clustering notion. He stated part of the objective of the legislation was an attempt to balance preservation of scenic beauty in the State and outdoor advertising. He termed the feeling of the task force as an attempt to keep the signs on one side of the road and reserve the other side of the road to reveal the landscape or scenery. He reiterated that the number would be the same and termed the question as whether there would be one on one side and possible one on the other side.

CO-CHAIRMAN ANDERSON said he visualized traffic arriving from the south with a business was on left, which could still have their two signs with one for southbound and one for northbound traffic. He said it could make good sense to have a sign on either side of the road in cases where there were not two good locations on one side of the road. **SENATOR WELDON** responded that given the way the Bill was now amended, for signs to occur on the side of the road opposite the business there would have to be qualifying property. He said the Bill's present structure stated there could only be two signs on qualifying property on the same side as the business. He maintained that both north and south traffic could see signs on the one side of the road.

SENATOR WELDON asked for further explanation of the matter? **Rich Munger of the Department of Transportation** explained that in unzoned commercial or industrial area there were existing tests to determine whether a business qualifies that area for signing purposes. He said all the amendment did was add a test that the signs must remain on the same side of the road as the qualifying business. He stated that a person could own more than one business which could each qualify for two signs, but the signs would have to be placed on the same side of the road as the respective qualified business.

SENATOR TVEIT said the Bill had stated both signs would be on one side of the road until the Senate Highways and Transportation Committee had amended it to each side of the road. He questioned whether qualifying conditions for placement of the signs would exist with one on each side of the road? He asked for clarification of those conditions? **Mr. Munger** stated that under current rule the sign had to be located within 600 feet of the qualifying business. He explained that there several tests they looked at and said there had been some rule changes which would affect those tests. He explained the issue at hand as to whether a business on the left side of the road could qualify a sign on the right side of the road. He said that answer would be determined by the conference committee's decision of whether to allow it or not.

SENATOR TVEIT questioned whether the Bill would apply to Primaries, Secondaries or Interstates? **Mr. Munger** replied Primaries and Interstates both.

REPRESENTATIVE JEANETTE MCKEE asked if removal of the amendment would allow one sign on the right hand side of the road and only one sign on the other side of the road, not two on each side? **Mr. Munger** replied just two maximum.

CHAIRMAN GROSFIELD asked if there had been much discussion regarding the difference between Primary and Interstate such as one method for each, etc.? He maintained that when dealing with an Interstate and a smaller sized sign it was quite a ways further from your eyes to the sign than it would be with a primary. **SENATOR TVEIT** replied that the Senate Highways and

Transportation Committee had not addressed that issue but agree there was a definite difference.

SENATOR WELDON asked if the task force had looked at that issue? **Mr. Munger** said he did not recall the task force looking at that issue but did remember their addressing the new maximum 672 square feet per sign face and the old 1200 square feet. He stated the new size was more than adequate to be seen from an Interstate or a primary.

CHAIRMAN GROSFIELD asked if there were any comments from the sign people? **Mr. Pannell** responded that positioning of cross reader signs allowed traffic from the right lane to view signs on the left.

CHAIRMAN GROSFIELD asked if they were stating that road type wasn't really an issue?

REPRESENTATIVE MCKEE stated that it was possibly more what the sponsor's intent had been. She said the intent was possibly that of natural resources and scenery and that was the significance of the clustering on one side. She asked for a response from the sponsor? **SENATOR WELDON** identified the motivation for citizen groups concerned about billboards was centered on the largeness and number of billboards which blocked natural beauty. He termed the intent as an attempt to preserve the scenic attributes of traveling in Montana.

REPRESENTATIVE MCKEE asked if, in the sponsor's mind, that was the major purpose of the legislation? **SENATOR WELDON** said that was correct, along with the other provision they were attempting to address as well.

CO-CHAIRMAN ANDERSON stated that it appeared there would still be billboards on the one side where the scenery also appeared and asked what difference it made regarding which side the signs were on? **SENATOR WELDON** said that was true if there were qualifying businesses on that side of the road. He said this amendment stated that if there were no qualifying businesses on the other side of the road, they should be on the side of the road of the business.

Motion:

CO-CHAIRMAN ANDERSON MOVE TO ACCEPT THE SENATE'S REJECTION THE HOUSE SENT TO THEM WHICH WOULD ALLOW SIGNS ON BOTH SIDES OF THE ROAD.

CHAIRMAN GROSFIELD reminded the Committee that one member was absent and would have to ascertain the results. He called for discussion and none was offered.

Vote :

REPRESENTATIVE ANDERSON VOTED YES, REPRESENTATIVE MCKEE VOTED NO,
 SENATOR TVEIT VOTED YES, SENATOR WELDON VOTED NO
 SENATOR GROSFIELD VOTED NO.
 THE MOTION FAILED BECAUSE OF THE SENATE VOTE, REGARDLESS OF HOW
 THE ABSENT HOUSE MEMBER MIGHT HAVE VOTED.

Motion/Vote:

SENATOR WELDON MOVED THAT THE CONFERENCE COMMITTEE ADOPT THE
 HOUSE ACTION WHICH WOULD REINSERT THE DEFINITION OF UNZONED
 COMMERCIAL AND PLACEMENT OF TWO SIGNS ON ONE SIDE OF THE ROAD
 WITH A QUALIFYING BUSINESS.

CO-CHAIRMAN ANDERSON VOTED NO, REPRESENTATIVE MCKEE VOTED YES,
 SENATOR TVEIT VOTED NO, SENATOR WELDON VOTED YES,
 SENATOR GROSFIELD VOTED YES.

CHAIRMAN GROSFIELD stated that the vote had brought the Committee
 to a standstill as REPRESENTATIVE TROPILA'S vote was necessary.
 He said their schedule would not permit further action under the
 given circumstance and the Committee would not be able to finish
 that day. He said it was obvious that if the last motion did not
 work they would have to try another. A brief discussion with
 members determined the need to recess until 7:30 a.m. the next
 morning in the same room.

THE MEETING RECONVENED AT 7:31 A.M. ON WEDNESDAY, APRIL 5, 1995
 IN ROOM 405.

CHAIRMAN GROSFIELD briefly recounted the proceedings of the
 previous day for REPRESENTATIVE TROPILA and brought him up to
 date on the motion and vote pending. He stated the motion had
 passed the Senate side and had a tie vote for the House side,
 thus rendering REPRESENTATIVE TROPILA'S vote decisive.

CHAIRMAN GROSFIELD stated it would likely be wise to revisit the
 last motion again. He conveyed the desire to let everyone ask
 any questions they may have thought of since the previous day.
 He asked if anyone needed clarification on the issue and the
 response was no.

REPRESENTATIVE TROPILA expressed regrets of having left the
 Capitol before becoming aware of the meeting and not having
 returned in time to receive notice prior to the meeting.

CHAIRMAN GROSFIELD explained that SENATOR WELDON HAD MOVED TO ADOPT THE HOUSE ACTION WHICH WOULD REINSERT THE DEFINITION OF UNZONED COMMERCIAL AND PLACEMENT OF TWO SIGNS ON ONE SIDE OF THE ROAD WITH A QUALIFYING BUSINESS. He asked each respective member if they were still voting as they had yesterday and each one confirmed they were. REPRESENTATIVE TROPILA THEN VOTED YES TO MAKE THE FINAL VOTE READ REPRESENTATIVE ANDERSON NO, REPRESENTATIVE MCKEE YES, SENATOR TVEIT NO AND SENATORS WELDON AND GROSFIELD YES. THE MOTION CARRIED WITH A MAJORITY VOTE OF EACH CHAMBER.

SENATOR WELDON'S MOTION TO ADOPT THE CONFERENCE COMMITTEE REPORT CARRIED WITH SENATOR TVEIT AND REPRESENTATIVE ANDERSON VOTING NO.

ADJOURNMENT

Adjournment: The meeting was adjourned at 7:42 a.m.



SENATOR LORENTS GROSFIELD, Chairman



CARLA TURK, Secretary

L/cmt

Carl

Conference Committee
on SB 181
Report No. 1, April 5, 1995

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 181, met and considered:

House Committee amendments

We recommend that SB 181 (reference copy - salmon) be amended as follows:

Accept House committee amendments

And that this Conference Committee report be adopted.

For the Senate:

Grosfield *Carl Grosfield*
Chair

Tveit

Weldon *John Weldon*
Amd. Coord.

SP
Sec. of Senate

For the House:

Anderson *Stuart W. Anderson*
Chair

McKee *Jeanette McKee*

Tropila *John Tropila*

ADOPT

REJECT



TO: Joint Conference Committee on Senate Bill #181

Senator Larry Tveit
Senator Jeff Waldon
Senator Lorenz Gross

FROM: Jim Parnell, Vice President

SUBJECT: Senate Bill #181

As an outdoor advertising business in the State of Montana for almost forty (40) years, we sincerely support the passage of Senate Bill #181. The proliferation of highway signs in the state necessitates your action on this bill.

We wholeheartedly participated on the Governor's Task Force on outdoor advertising and stand behind the legislative recommendations of that body. The recommendations of the Task Force were a hard earned compromise between our industry and citizens representing the scenic concerns of Montana.

Frontier Outdoor Advertising of Casper, Wyoming wants to change the legislative recommendations of the Task Force by allowing two (2) signs, one (1) on either side of the road. The recommendation of the Task Force were to allow only two (2) signs on the same side of the road as the qualifying business activity. If Myhre Advertising with over one thousand (1,000) signs faces across Montana can live with the compromise, we are quite sure that Frontier, and other out of state companies, can also.

We sincerely encourage you to pass Senate Bill #181 as recommended by the Governor's Task Force.