#### MINUTES

# MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

# COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By VICE CHAIRMAN RICK JORE, on March 1, 1995, at 3:17 p.m.

### ROLL CALL

### Members Present:

Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)

Rep. Joe Barnett (R)

Rep. Matt Brainard (R)

Rep. Robert C. Clark (R)

Rep. Charles R. Devaney (R)

Rep. Marian W. Hanson (R)

Rep. Don Larson (D)

Rep. Rod Marshall (R)

Rep. Linda McCulloch (D)

Rep. Daniel W. McGee (R)

Rep. Jeanette S. McKee (R)

Rep. William M. "Bill" Ryan (D)

Rep. Roger Somerville (R)

Rep. Joe Tropila (D)

Rep. Jack Wells (R)

Members Excused: Chairman Shiell Anderson (R)

Members Absent: Rep. Dore Schwinden (D)

Staff Present: Connie Erickson, Legislative Council

Kim Greenough, Committee Secretary

These are summary minutes. Testimony and

discussion are paraphrased and condensed.

## Committee Business Summary:

Hearings: SB 268

SB 181

SB 114

SB 103

Executive Action: None

{Tape: 1; Side: 1; Approx. Counter: 010; Comments: None.}

# HEARING ON SB 268

# Opening Statement by Sponsor:

SEN. DON HARGROVE, Senate District 16, Belgrade, stated that SB 268 would address the snowmobile license laws. He said the bill would allow a young person to go through a training course to allow them to be eligible to ride snowmobiles in certain areas.

# Proponents' Testimony:

Ken Hoovestol, Montana Snowmobile Association, stated that current law allows local governments to make the determination for the licensing of individuals on snowmobiles in their areas. He said that on page 2, line 5, current law states that a person must have a drivers license to operate any motor vehicle. He said that this program has been in effect for years, so they are not creating new program. He said there is a fiscal impact of \$10,000.

**Bill Howell, West Yellowstone Businessman**, stated that SB 268 would allow a young person to go from a local business to a trailhead. He also mentioned that snowmobiling brings in over \$30 million a year to the State.

Glen Loomis, Mayor, West Yellowstone, stated that SB 268 was a "win-win" situation. He said that youngsters will be well trained. He also said that this would help with enforcement issues.

Arnie Olson, Administrator, State Parks Division, Department of Fish, Wildlife and Parks, spoke in support of SB 268. EXHIBIT 1

Nevin Gudrian, Ponderosa Snow Warriors, Lincoln, stated that West Yellowstone will not be the only town to benefit from this bill. He said that this would be a benefit to the young people as they will be introduced to a great deal of safety measures.

Dennis Ogle, President, Montana Snowmobile Association, spoke in support of SB 268.

REP. DON LARSON supported SB 268.

Opponents' Testimony: None.

### Questions From Committee Members and Responses:

REP. ROD MARSHALL asked how a person from another state would be able to complete this safety program if they don't have time during their stay here to do so. Ken Hoovestol replied that the safety education course would be available by correspondence. He said that if the other state has a Montana-approved safety course they will be able to use that.

REP. ROD MARSHALL asked how would this be enforced. Ken Hoovestol replied that they are trying to address all of those issues.

- REP. BOB CLARK asked what the age minimum was. Ken Hoovestol replied that there was none. He said that it was hard to address that issue. He said that they would leave it to the parents' discretion.
  - REP. BOB CLARK asked if this program was "geared" for a four year old. Mr. Hoovestol replied no, that a four year old would not be able to pass the course.
  - REP. JACK WELLS asked if there was a riding part of the safety course. Liz Lodman, Department of Fish, Wildlife and Parks, replied that the home study course was a written course. EXHIBIT 2
  - REP. JACK WELLS asked how old the person had to be in order to supervise these youngsters. Mr. Hoovestol replied that it was addressed as the minor would not be able to snowmobile on their own. He added that businesses do not rent to anyone under 12, even if an adult rents for a minor.
  - REP. ROD MARSHALL asked what the fine would be for a minor riding without the safety course. Mr. Hoovestol replied that it would be a misdemeanor.
  - **REP. ROD MARSHALL** asked where a person would go to receive a safety test. **Mr. Hoovestol** replied that they would go to a local authority.
  - REP. JOE TROPILA asked who would assume the liability. Mr. Hoovestol replied that currently it is on the local authority.
  - REP. JOE TROPILA asked who would assume liability if a snowmobiler hurt someone. Bob Walker replied that the Department of Fish, Wildlife and Parks would recommend that snowmobilers be insured. He said that it is up to the individual to get the insurance.
  - **REP. JOE TROPILA** asked if insurance would cover youngsters. **Mr. Walker** replied the age is not asked when applying for snowmobilers insurance.

### Closing by Sponsor:

**SEN. DON HARGROVE** stated that SB 268 would give the people the incentive to be law-abiding citizens. He also said that this bill would address some current problems. He said that a youngster must be accompanied by an adult.

{Tape: 1; Side: 2; Approx. Counter: 001; Comments: New Side.}

# **HEARING ON SB 181**

# Opening Statement by Sponsor:

SEN. JEFF WELDON, Senate District 35, Arlee, stated that in 1983 several large billboards went up in his community. He said that

community groups formed from this issue and have come together. He said that there was a survey done in the Missoula and Kalispell areas and 75% of the people responded that there should be stricter regulations on billboards. He said that the governor called a task force on the issue and they have reached a consensus, which came to the committee as SB 181. He also said that there are some amendments requested by the Department of Transportation. **EXHIBITS 3, 4 and 5** 

# Proponents' Testimony:

Rich Munger, Department of Transportation, spoke in support of SB 181. (See Exhibits 3, 4 and 5)

Hope Stevens, Farmer, Lincoln, stated that "we need to keep
Montana beautiful."

John Waggoner, Josco Outdoor Signs, Billings, Member, Governors Task Force, supported SB 181. EXHIBIT 6

Sara Busey and Karen Zwisler, Save America's Visual Environment, Member, Governor's Task Force, supported SB 181. EXHIBITS 7 and 8

Pamela Sourbear, Member, Governors Task Force, supported SB 181. EXHIBIT 9

Allen Mathews, Blue Rock Histories, Alberton, spoke in support of the bill. EXHIBIT 10

Willa Hall, Helena, spoke in support of SB 181.

Leslie Stavern-Millar, Artist, Missoula, said she supported the bill without amendments.

{Tape: 2; Side: A; Approx. Counter: 010; Comments: None.}

Lars Lithander, Frontier Outdoor Advertising, Billings, spoke in support of SB 181. EXHIBIT 11

Stuart Doggett, Montana Inn Keepers Association, supported SB 181.

Rose Magnuson, Member, Governors Task Force, Polson, spoke in support of SB 181. EXHIBIT 12

Bill Peter, Billings, said that he had a small billboard business and he supported the bill without the amendments.

Jim Pannell, Myhre Advertising, Great Falls, Member, Governor's Task Force, stated that this industry needs stronger regulations. He said that he supports the Department of Transportation's amendments as well as Mr. Wagonner's amendments.

REP. BOB REAM, House District 69, Missoula, stated that he was impressed with the conversations during the task force meetings and supported SB 181.

Daphne Jones, Save American's Visual Environment, spoke in support of SB 181.

Paul Whiting, Billings, submitted written testimony. EXHIBIT 13

Susan DeCamp, Billings, submitted written testimony. EXHIBIT 14

Richard Parks, Gardiner, submitted written testimony. EXHIBIT 15

Rosanna Buehl submitted written testimony. EXHIBIT 16

Opponents' Testimony: None.

# Questions From Committee Members and Responses:

REP. DAN McGEE asked if the State can develop rules that are more restrictive than the federal government. Rich Munger replied that the language in current Montana law states that.

REP. DAN McGEE asked if State law said they cannot be more restrictive than the federal law. Mr. Munger replied yes.

REP. LINDA McCULLOCH asked someone to clarify the difference between "conforming" and "non-conforming" signs. Mr. Munger replied that a legal conforming sign was a sign that is permitted and would meet current standards. He said that a non-conforming sign could be an existing sign that had be grandfathered.

REP. LINDA McCULLOCH asked someone to address the issue of having signs on both sides of the road. SEN. JEFF WELDON replied that the Senate Highways Committee amended that out of the bill. Lars Lithander stated that the task force agreed with both sides of the road.

Sarah Busey replied that Mr. Lithander was not on the task force.

Barry Simmons said that the task force voted 10 to 2 on that issue.

REP. LINDA McCULLOCH asked if the original bill had only one side of the road. Mr. Simmons replied yes.

**REP. DON LARSON** stated that he does not see in the bill where it would address secondary highways. **Mr. Munger** replied that it was only addressing primary highways.

REP. DON LARSON said that a person could put up a 100 foot sign on a secondary highway. Mr. Munger said there are local ordinances against that type of thing.

REP. MATT BRAINARD asked if this would affect advertising on buildings. SEN. JEFF WELDON replied no.

REP. ROGER SOMERVILLE asked if it was possible to amend into the bill to add secondary highways. Mr. Munger replied that the federal code is specific on that issue. It would only address

the interstates and they do not have any jurisdiction over secondary roads.

REP. ROGER SOMERVILLE asked why the Senate Highways Committee made so many changes to the bill.

{Tape: 2, Side: 1; Approx. Counter: 001; Comments: New Tape.}

**SEN. JEFF WELDON** replied that the committee amended out what they felt was in compliance with current law.

REP. ROGER SOMERVILLE asked if a fee structure could be amended into the bill. SEN. JEFF WELDON replied yes, but he felt the bill was a great compromise those involved.

# Closing by Sponsor:

REP. JEFF WELDON said that the task force had worked hard on this bill and it deserves careful consideration. He said he would look into the proposed amendments and asked the committee to look carefully into the amendments also.

{Tape: 2; Side: B; Approx. Counter: 090; Comments: Stopped tape for recess.}

### HEARING ON SB 114

# Opening Statement by Sponsor:

SEN. ARNIE MOHL, Senate District 39, Kalispell, stated that SB 114 would allow the Department of Transportation to change the appraisal limit from \$100 to \$2500. He said under \$2500 the property would not require an appraisal. He also said that this bill would save the Department funds.

# Proponents' Testimony:

Gary Gilmore, Operations Engineer, Department of Transportation, stated that SB 114 would update costs. He said under current law the Department of Transportation could lose funds.

Opponents' Testimony: None.

Informational Testimony: None.

# Questions From Committee Members and Responses:

**REP. ROGER SOMERVILLE** asked who would perform the appraisals. **Mr. Gilmore** replied that it would depend if the Department of Transportation had an appraiser in the area of the property or not.

# Closing by Sponsor:

SEN. ARNIE MOHL closed.

{Tape: 2; Side: B; Approx. Counter: 258; Comments: None.}

# **HEARING ON SB 103**

# Opening Statement by Sponsor:

SEN. DON HARGROVE, Senate District 16, Belgrade, stated that there was a dispute between the state and the federal government on who was going to pay for the removal of a certain utility. There was a problem in current Montana law and SB 103 would take care of that problem.

# Proponents' Testimony:

Nick Rotering, Staff Attorney, Department of Transportation, spoke in support of SB 103. EXHIBIT 17

Opponents' Testimony: None

Questions From Committee Members and Responses: None

# Closing by Sponsor:

SEN. DON HARGROVE stated that this bill would save the state from future problems.

{Tape: 2; Side: B; Approx. Counter: 390; Comments: None.}

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE
March 1, 1995
Page 8 of 8

# <u>ADJOURNMENT</u>

Adjournment: 5:06 p.m.

REP. RICK JORS, Vice-Chairman

IMBERLEE GREENOUGH, Secretary

RJ/ksg

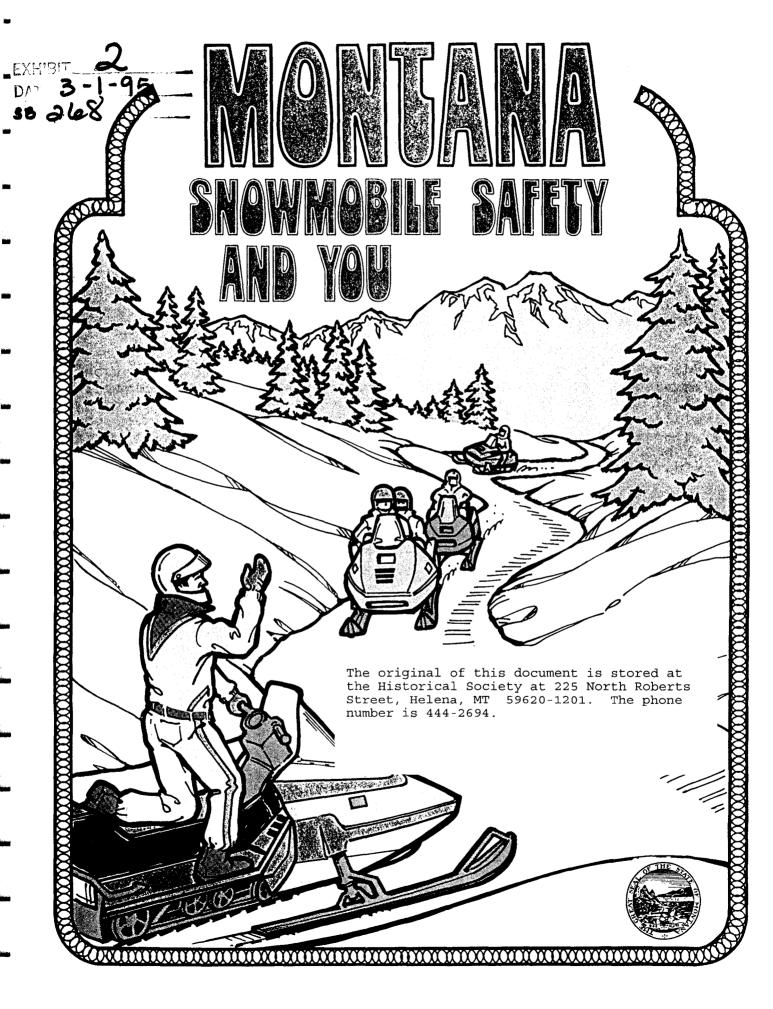
# HOUSE OF REPRESENTATIVES

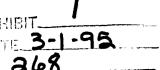
# Highways

**ROLL CALL** 

DATE March 1, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman			V
Rep. Rick Jore, Vice Chairman, Majority	V		
Rep. Pat Galvin, Vice Chairman, Minority			
Rep. Joe Barnett	V		
Rep. Matt Brainard	V	,	
Rep. Bob Clark	V		
Rep. Charles Devaney	V		
Rep. Marian Hanson	V		
Rep. Don Larson	/		·
Rep. Rod Marshall			
Rep. Linda McCulloch	V		
Rep. Daniel McGee	V		
Rep. Jeanette McKee	V-		
Rep. Bill Ryan	/		
Rep. Dore Schwinden			
Rep. Roger Somerville			
Rep. Joe Tropila	V		
Rep. Jack Wells	V		





Senate Bill No. 268

March 1, 1995

Testimony presented by Arnie

Testimony presented by Arnie Olsen
Montana Fish, Wildlife & Parks
before the House Highway & Transportation Committee

Current Montana law requires a snowmobile operator to possess a valid driver's license when operating a snowmobile on a public road or street that is open to motor vehicles. Many snowmobile destination areas, which rely on snowmobiling as part of their community economic development, are put in an awkward situation which this bill helps to correct. Towns such as West Yellowstone, Cooke City, Lincoln and Seeley Lake allow snowmobiles on their streets so that visitors, residents and families can ride directly from their place of lodging or a snowmobile rental business to a trailhead. This puts young people and anyone without a driver's license in violation of the law when simply traveling to often SB 268 would short distances to a snowmobile trail system. legalize these young people, who are predominately between the ages of 12 and 15, by requiring a safety certificate and adult supervision as an alternative to a driver's license. The Department currently works with local volunteers to provide training and safety instructional materials on a voluntary basis. We also have correspondence courses to facilitate the public schedule and to service remote locations. This same network would be used to meet the intent of this legislation and the costs would be borne by the existing snowmobile program.

This bill provides a service to several Montana communities and therefore, the Department supports it and asks this committee to pass SB 268.

EXHIBIT 3 DATE 3-1-95 SB 181

House Highways Committee Page 3 March 1, 1995

# Requested Amendment

75-15-105 provides that state regulations cannot be more restrictive than federal code. Limiting the sign structure height to 30 feet, as proposed, is more restrictive than the requirements of Title 23, United States Code.

The amendment to 75-15-105, allows the regulations, in this case, the 30 foot height to be more restrictive than federal regulation.

The task force is commended for the work accomplished to provide this consensus legislation. Governor Racicot and Director of Transportation Marv Dye join me in endorsing Senate Bill No. 181 and respectfully request your consideration for its passage.

Richard T. Munger, Coordinator Outdoor Advertising Control

RTM:D:PAF:37.dlm



EXHIBIT 3
DATE 3 -1-95
SB. /8/

March 1, 1995

House Highways Committee Capitol Station Helena, MT 59620

Subject: Senate Bill No. 181

The proposed revisions to Sections 75-15-101, et seq, "The Outdoor Advertising Act" result from consensus of members of the Governor-appointed Outdoor Advertising Control Task Force established in October of 1994.

During the last two years, a number of large billboards were erected along I-90 in western Montana and along US-93 from west of Missoula to Kalispell. A group of scenic advocates expressed concern to Governor Racicot. As a result, the Governor created a task force assigned to make recommendations on revisions to current regulations.

In his letter to task force members, Governor Racicot said:

"There are obviously differing opinions on how billboards ought to be regulated. And to some degree these things are dictated by federal statute. We do have some flexibility in program policy and how it's administered, and based on the comments I've received, I think it's time we look into this issue again.

Outdoor advertising plays an important role in Montana's economy. At the same time, I think we all recognize development needs to proceed in a way that protects or enhances the natural beauty of our state. So I'm seeking assistance to sort out the issues and come up with appropriate recommendations."

The task force included outdoor advertising industry representatives, scenic advocates, local government planners, a state senator and a county commissioner.

House Highways Committee Page 2 March 1, 1995

# Proposed Revisions

75-15-111(1)(e) provides a two-sign limit for permits issued based on a qualifying activity in unzoned commercial and industrial areas. Under current regulations, six to ten signs may be erected based on a similar qualifying activity.

75-15-113 reduces the maximum size of signs. Subsection (1) reduces the square footage of signs from 1,200 to 672. Subsection (2) reduces the length of a sign from 60 feet to 48 feet.

Subsection (3) currently allows for a sign to be 40 feet high. The height restriction is limited to the sign face which means there's no restriction on the height of the structure. The proposed revision to Subsection (3) provides for a maximum height of the sign structure to 30 feet above the road surface.

75-15-122 currently requires a \$6 fee to accompany applications for sign permits. It also provides for a \$3 renewal fee every three years (\$1 per year).

The revision proposes a nonrefundable fee for initial applications and renewals based on the square footage of the sign face. The fees will be established, by rule, to cover a portion of the cost of administering and enforcing outdoor advertising regulations.

The current regulations, which have not changed in the proposed revisions, provide the fees be paid into the highway account in the state special revenue fund.

The intent of the proposed fee changes is two-fold:

- Applications made under the current regulations allow for a refund of fees if the application is denied. In the past, spurious applications have been submitted which require considerable staff time to determine if they meet regulations. Costs are incurred that are not, in any way, covered by the applicant.
- The \$6 application fee was set by statute in 1971 and hasn't been changed since then. The current fee doesn't cover the cost of processing, notwithstanding the costs of application review. The intent of this revision is to cover processing costs and a portion of the review costs.

John Wagonner Josco Outdoor Advertising 820 Division Billings, MT 59101 (256-9920) Rose Magnuson Citizens For A Scenic Lake County PO Box 153 Polson, MT 59860 (883-3083)

2201 Henderson

Sara Busey S.A.V.E. PO Box 8952 Missoula, MT (549-4120)

Dean Jellison 116 Crestline Avenue Kalispell, MT 59901 (752-4966)

139 Wyoming Ave Billings, MT 59 (252-5647)

59601 (442 - 5096)

24425 Doney Road Arlee, MT 59821 (726-3357) Dana Boussard

Citizens For A Better Flathead 744 Hidden Valley Drive Whitefish, MT 59937 (862-4942) Joan Vetter

Senator Jeff Weldon 24460 Doncy Road Arlee, MT 59821 (726-3804)

Mary Kay Peck Planning Director, AICP 311 West Main #4 Bozeman, MT 59715 (585-1465)

Gary Temple Meadowlark Gallery PO Box 475 Laurel, MT 59044 (628-8575)

Divison Of Lands Confederated Salish & Kootenai PO Box 278 Pablo, MT 59855 (675-2700 EXT.597) Jan Camel ·

1011 Fifth Avenue Helena, MT 59601 (442-8397) Linda Brander

Po Box 1067 Great Falls, MT 59403-1067 Myhre Advertising Jim Pannell (453 - 6592) Fern Hart, Commissioner Missoula County Courthouse 200 West Broadway Missoula, MT 59802 (721-5700 ext. 3200)

OAC Coordinator Department Of Transportation PO Box 201001 Helena, MT 59620-1001 Rich Munger

(444 - 7603)

Natural Resources Policy Advisor Office of the Governor PO Box 200801 59620-0801 Helena, MT (444-3111) Glenn Marx

Nick Rotering, Staff Attorney Montana Department of Transportation PO Box 201001 59620-1001 Helena, MT (444-6090)

Ray Harbin, Right of Way Agent Missoula District, MDT PO Box 7039 Missoula, MT 59807 (523-5852)

MAILING LIST

Frontier Outdoor Advertising PO Box 2918 82602-2918 Chris Zukin Casper, WY

2711 Airport Road Helena, MT 59601 (442-5209) Gordon Morris MACO

STAFF

CYHEL DA F

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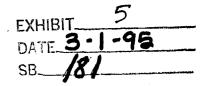
TASK FORCE MEMBERS

Barry Simmons Montana Sign Works Helena, MT 59601 (443-4172)

59807

Paul Whiting

Mike Lavin 1960 Canal Drive Helena, MT 59601



# Amendments to Senate Bill No. 181 Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson February 27, 1995

1. Title, line 8.

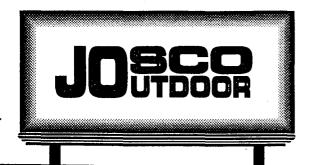
Following: "75-15-103" Insert: "75-15-105,"

2. Page 3.

Following: line 15

Insert: "Section 1. Section 75-15-105, MCA, is amended to read:
 "75-15-105. Relaxation of regulations if federal law
changed. In the event the general requirements of Title 23,
United States Code, "Highways", or existing rules and regulations
of the United States department of transportation become amended
or changed to less restrictive conditions than presently exist,
then the commission must shall amend or change such the rules
that it may have adopted to come into conformity with the federal
law, rule, and regulation; however, in no event shall this part
become more restrictive than is indicated herein by said federal
action.""

Renumber: subsequent sections



DATE 3-1-95

820 DIVISION STREET
BILLINGS, MONTANA 59101

406-256-9920 FAX 406-248-5203

March 1, 1995

Rep. Schiell Anderson, Chairman House Highways and Transportation Committee

Dear Mr. Chairman and Committee Members:

SB181, as it is currently written, has some major negative impacts on landowners, sign owners, and the businesses served by outdoor advertising. State and local governments would lose significant income and property tax dollars.

The provision allowing only two signs per qualifying business in unzoned commercial zones not only removes 2/3 of the future eligible locations, it would also make a great number of the existing conforming signs in these areas non-conforming; meaning that they are restricted to maintenance, repair, and/or replacement. If major damage occurs because of the elements or even vandalism, repairs would not be allowed and the sign would be removed. This would essentially amount to the taking of private property without compensation, which is prohibited by the Fifth Amendment of the U.S. Constitution.

Removal of these existing signs would result in loss of income for landowners, taxing entities, businesses served by signs and sign owners. Over a ten year period, these losses could conceivably amount to over \$100 million in Montana.

As a result of this non-conforming status, sign owners would incur an immediate devaluation of their property since there is no longer a predictable length of time that the signs might produce income. A buyer would not be willing to risk his money on an uncertain asset. Banks would also risk their collateral value because of the doubtful value of signs they may have financed.

I would like to propose that the Committee adopt the attached amendment to SB181 to protect those incomes and assets that were legally established under existing law by keeping their status as legal conforming signs which will be allowed to have maintenance and upgrades on them as they are now entitled with the exception that their size will not be allowed to increase.

I thank you for your consideration.

Sincerely,

John Waggoner

- Worgoner

President

EXHIBIT	–
DATE_	3-1-95
7	5B 181

# Amendments to Senate Bill No. 181 Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson February 28, 1995

1. Page 4.

Following: line 22

Insert: "(4) Outdoor advertising structures in an unzoned commercial or industrial area that are lawfully in existence on [the effective date of this act] and that meet the size requirements in 75-15-113 but exceed the number allowed in subsection (1)(e) of this section must continue to be classified as conforming in accordance with department rules, if the outdoor advertising structures are not increased in size."

# Governor Racicot's Task Force on The Outdoor Advertising Act Consensus on Changes

The following changes were agreed upon by consensus at the December 15, 1994, task force meeting by both billboard industry representatives and scenic preservationists. The Department of Transportation will propose the rule changes to the Highway Commission for their approval, and the law changes to the 1995 Legislature in a bill which will need all of our support if it is to pass.

# **RULES CHANGES**

The applicant for a billboard permit shall obtain a written:

- 1. approval to erect the sign from the appropriate local governing body.
- 2. statement from the owner or occupant of the land consenting to the erection and maintenance of the sign.

# LAW CHANGES:

Size - Maximum area 672 sq. ft. (down from 1200 sq. ft)

Maximum width 48 ft. (down from 60 ft.)

Maximum Height from the bottom of the sign: None (currently 40 ft.)

Maximum ceiling height from the road bed - 30 ft. (no limit currently)

<u>Fees</u> - Shall be determined by the square footage of the sign face(s) and set by the Highway Commission. (currently \$6 initially and \$3 every three years thereafter)

<u>Unzoned commercial and industrial area</u> -- One commercial or industrial retail or wholesale activity intended to serve the traveling public, open 40 hrs/week, year round, connected to utilities and in existence for 1 year qualifies **that side** of the road for **2** billboards within 600 ft. either side of the activity.

(Currently one commercial or industrial activity qualifies **both sides** of the road for a total of **6** billboards. No criteria exists for it to be open a certain number of hours or days, to serve the motorist off the road, or to be established for any length of time before billboards can be erected.)

# S.B.181 Task Force on The Outdoor Advertising Act Members

# **Outdoor Advertising Industry**

Josco Outdoor Advertising--John Wagonner (Billings) Montana Sign Works--Barry Simmons (Helena) Summit Outdoor Advertising--Allen Ormesher (Missoula) Myhre Advertising--Jim Pannell (Great Falls)

# Outdoor Advertising Business Owners/Clients

Meadowlark Gallery--Gary Temple (Laurel) Montana Innkeepers Association--Herb Leubrecht (Butte)

**Senator**--Jeff Weldon (Missoula)

County Commissioner--Fern Hart (Missoula)

**County Planner**--Mary Kay Peck (Gallatin County)

Confederated Salish & Kootenai -- Jan Camel (Pablo)

# **Citizens**

Citizens for a Scenic Lake County--Rose Magnuson (Polson)
Save America's Visual Environment--Sara Busey (Missoula)
--Dana Boussard (Evaro)

Scenic Preservation Group--Joan Vetter (Whitefish)

Dean Jellison (Kalispell)

Linda Brander (Helena)

Paul Whiting (Billings)

# TASK FORCE BILL S.B. 181 How Does Montana's Outdoor Advertising Act Compare with Other States?

We compliment the outdoor advertising industry for their willingness to face this issue. Companies operating for many years in Montana have shown restraint under what is, we have discovered, the most lenient law of ten states surveyed. With the recent proliferation of huge out of state signs, we can no longer proceed without fixing this 24 year old dinosaur. Senate Bill 181 is the result of consensus by divergent views. It is imperative that you carry it through into law. (see Consensus Sheet)

Are these changes reasonable? We looked at the outdoor advertising law in seven other Western states--Washington, Oregon, Texas, Colorado, Idaho, Arizona, California-- as well as Maryland and North Carolina. Our agreed upon changes in size, location and number of signs, and permit fees were put side by side with theirs.

**Size.** The issue of "too large" signs concerned most Task Force members. Current Montana law allows a maximum of 1200 sq. ft. Most signs erected before 1993 were smaller, but a rash of these huge boards have recently appeared. Only California and Arizona allow 1200 sq. ft. signs and only in zoned commercial and industrial areas. Maryland and Idaho allow 1000 sq. ft., Washington and Texas, 672 sq. ft. Oregon's maximum size is 825 sq. ft. for relocated signs, but they allow no new signs in the state. Colorado does allow 1200 sq. ft. in areas zoned commercial/industrial prior to1970, but local ordinances keep these to under 800 sq. ft. New signs in other areas can be no larger than 150 sq. ft. The Task Force agreed to reduce sign size in Montana to the industry standard of 672 sq. ft.

**Height**. Montana now sets the maximum height for the sign face (poles not included) at 40 feet. Every state surveyed limits face height to 25 feet. In an effort to provide for advertising but not block views, the new maximum height of 30 feet is measured from the roadbed to the top of the sign face. No limit is put on the height of the actual sign face.

**Width.** Currently allowable width in Montana is 60 ft. Although Arizona, California and Texas also allow that, Washington, Maryland and Idaho limit

width to 50 ft. In the interest of smaller signs, the task force agreed on a new width of 48 ft.

How many signs are there out there? The Montana Dept. of Transportation estimates 4000 legal signs are on interstate and primary roads in Montana today. This printout includes a total of 587 permits for new signs issued in just five of the last 10 years. That is an average of 163 new signs/year in the past three years alone. New permits have gone up from 35 in 1980 to 149 last year, even though three prime sign counties had freezes in place in 1993 and 1994. If the trend continues, Montana will have 8238 off-premise signs by the year 2020.

Unzoned Commercial/Industrial Areas. In order to slow the increase, the Task Force agreed to reduce the number of permitted signs in unzoned commercial/industrial areas to two (2). Under current Montana law, one gas station or taxidermy shop out in rural Montana qualifies 6 billboards on interstate and as many as 12 on primary roads. Both sides of the road within 600 feet either side of the business become qualified for billboards. (see diagram)

Of the states which qualify unzoned c/i areas for billboards, Washington requires there be 3 adjacent business, and Texas requires 2. Idaho, Arizona, Oregon and Montana require only one.

Washington and Montana allow unzoned commercial or industrial activity to qualify both sides of the highway for billboards. Oregon, Texas, Idaho and Arizona allow only the same side. Maryland, Colorado, and California, as well as two other Western states--Alaska and Hawaii--do not recognize unzoned commercial and industrial areas at all for **any** billboards. The Task Force agreed to limit signs to one side of the road.

Permit Fees. Montana's current fee for a sign permit is the lowest of all 10 states. At \$2/yr for the first three years, and \$1/yr thereafter, program costs far exceed permit revenue. In state law, the fee hasn't been raised since 1971. Washington, with a \$10/yr fee is the next lowest. Yet Texas charges a \$96 initial fee and \$40 annual renewal; and California's initial fee is \$320, with a \$20 annual renewal. No state surveyed said revenue covered program costs of permit processing, administration and legal expenses. Those with the dollar amount in rules, not in law, were best able to adjust fees to current costs.

Even with the proposed modified Oregon fee schedule (Theirs is annual, ours will be every 3 years), only Washington, Arizona and Maryland will have lower initial fees than Montana. No state will have lower renewal ones.

# Every state surveyed except Montana has annual fees.

Only Montana and Washington refund fees if an application is denied, even though staff time has been invested in processing, verifying and inspecting the site.

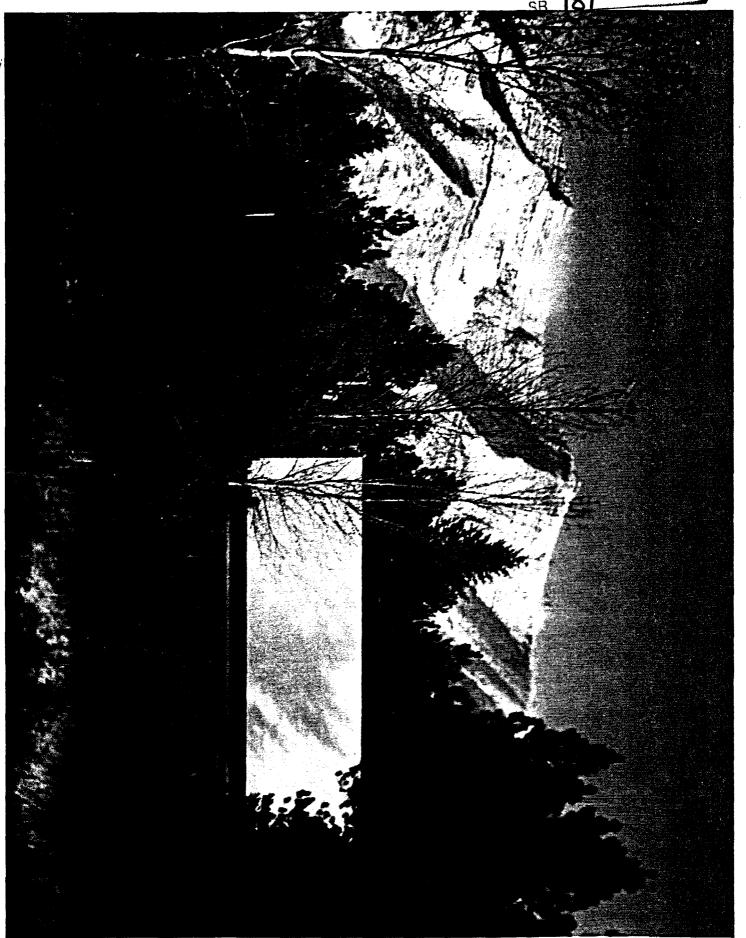
What is the Cost of the Outdoor Advertising Program? If fees do not cover the cost of a program, taxpayer money--either from the state's general fund or Federal Highway funds--does. A raise in fees to those who directly benefit from the program translates into a tax reduction for the citizens of Montana, not an increase in revenues. The new fee schedule will save Montana taxpayers \$27,900. This will still leave a deficit of \$17,500/yr. for them to pick up.

Montana's law overall is the weakest of all ten states surveyed. Because seven of these are our neighbors and fellow competitors for tourists who are interested in seeing scenery as well as finding services, it makes economic sense to strengthen Montana's law with Senate Bill 181. We appreciate members of the industry who worked with us to reach this compromise. We ask your help to carry it on into law.

# Information prepared by Task Force Members:

Sara Busey, Save America's Visual Environment
Dana Boussard, Save America's Visual Environment
Rose Magnuson, Citizens for Scenic Lake County
Joan Vetter, Scenic Preservation Group--Citizens for a Better Flathead
Fern Hart, Missoula County Commissioner

EXA 317 9 DATE 3-1-95



DATE 3-1-95 5B 181



# LACOLN'S WORLD **FAMOUS** ES

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EXHIBIT.	9
DATE	3-1-95
7	SB 181

Proponent of S.B. 181
Testimony of Pamela Sourbeer
1028 Grizzly Mountain Road
Missoula, MT 59802

Presented to House Highway Committee Honorable Shiell Anderson, Chair March 1, 1995

I am here to testify in support of S.B.181, with only the Task Force consensus amendments.

There is a very old and familiar Chinese proverb that says "a picture speaks a thousand words." I think these pictures are convincing evidence as to why this legislation is important. All but one of the photographs you have in front of you were taken near my home in Evaro; the fourth photograph is west of Missoula near Frenchtown. Evaro is west of Missoula and north on Highway 93--it's the Gateway to Glacier National Park.

Highway 93 passes through areas of our state that are endowed with spectacular natural beauty, including impressive views of the Mission Mountains. You would not think of obstructing the view of one of the beautiful Charlie Russell paintings in this historic building, so why do we want to block the view of the landscape that has been and still is the inspiration for so many Montanans.

Open space increases the attractiveness of a community and its desirability as a place to live, to work, to visit, and to invest. Yet the companies and individuals responsible for this form of "litter on a stick" are contributing to the deterioration of Montana's unique scenic character and natural beauty.

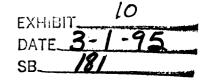
I was surprised when I read the Fiscal Note for S.B. 181 and saw what a small price these companies may pay for a permit. The revenues from permits and renewal fees barely cover 50 percent of the cost to regulate the program. This is not good business sense, and why should the taxpayers have to pick up the difference? It is my understanding these advertising companies charge approximately \$500 to \$600 a month for the space. Charging only \$20 for a three year renewal fee is pointless!

S.B. 181, Governor Racicot's Task Force Bill, has taken a positive step by reducing the maximum size for <u>new</u> signs to 672 square feet and by setting a ceiling height of 30 feet to the top of the sign. However, I urge you to please restore the provision which limits billboards to only one side of the road in unzoned commercial areas.

Thank you for the opportunity to present this testimony.

# BLUE ROCK HISTORIES

"Historical Research for Montana"



Allan Mathews, Historian • Box 145 • Alberton, Montana 59820 • (406) 722-3346

February 28, 1995

House Highway Committee House of Representatives Capitol Station Helena, MT 59620

RE: S.B. 181 - Support, with only Task Force consensus amendments

Dear Chairman Anderson and Committee Members:

My name is Allan Mathews and I live in Alberton, Montana, a town that has recently had to deal directly with the negative implications of what is allowed under the present outdoor advertising law. As a businessman, I am a long-time supporter of responsible advertising, having served as president of Alberton's economic development organization, as a town council member and as county planning board representative. However, I and many others, have come to recognize that the current law allows for abuses that degrade the integrity of our landscapes and hurt the economic factors that bring tourists to our beautiful state.

Year after year, studies conducted by the Institute of Tourism and Recreation at the University of Montana, have shown that viewing scenery was the most commonly mentioned primary attraction for vacation travelers to visit Montana. The giant billboards allowed under present law are in direct conflict with that information. We need to provide the tourists with what they are looking for, and that is scenery, not glaring, intrusive advertisements. The Task Force bill S.B. 181, will help us regain a sensible balance between tourist information and economic good sense.

Back in the 1980s, the town of Alberton saw its economy decimated by the pull-out of the Milwaukee Railroad. Through the ensuing years we have pulled ourselves back up by realizing that the scenic and recreational opportunities presented by our area attract tourists, who in turn, help support our community with vacation dollars. The huge billboards that have recently spread throughout Montana are certainly not helping us preserve or foster that source of economic vitality. The Task Force bill, without the last minute amendment to allow billboards on two sides of the road per business, would assist communities throughout the state in tapping into the interest in Montana's scenic beauty.

In Alberton, three huge billboards have been erected, two of which border the town park and all three of which are visible from

residences. These billboards are lighted at night and create a visual nuisance that has intruded upon our rights to peacefully enjoy our property. The effect is a devaluation of our property value so that a sign company can realize profit. This situation is symptomatic of what is happening elsewhere in Montana under the present situation. Please pass the Senate Bill 181 with only the Task Force consensus amendments. Thank you.

Sincerely,

Allan Mathews

allin Mathews



# **OUTDOOR ADVERTISING**

March 1, 1995

proposed legislation.

(406)655-0174 P.O. BOX 2918

P.O. BOX 2918 CASPER, WYOMING 82602

> (307) 234-9107 (800) 334-3830

FAX: (307) 266-5519

HOUSE COMMITTEE, HIGHWAYS and TRANSPORTATION

SB 181

SB 181, a result of the Governors Task Force, is a pretty good bill as it currently stands. A great deal of give and take went into its formulation. However, if the Task Force had a shortcoming, it was the time constraints under which it operated. Lots needed to be accomplished in a short time span. Under that type of deadline, some important items were either assummed or there was lack of clarification as to whether those items were to be dealt with as part of the proposed legislation or addressed in administrative rule changes. There is no blame for that....it was simply that the rushed time frame did not provide for thoughtful examination of all ramifications of this

The ammending language that will allow this legislation to proceed from a "pretty good bill" to a "good bill" is to allow Outdoor Advertising in unzoned commercial or industrial areas, lawfully in existence as of the date of enactment of this legislation, to continue to be classified as conforming, provided the structure is not increased in size.

Without this language, the value of sign structures, both immediate and long term, is greatly reduced. Having already given up between 65-80 plus percent of potential business due to qualifying locations in unzoned areas going down to only two signs (from six or eight), the industry has given up a very major concession. It is vital that we be allowed to keep our existing signage in these areas in a conforming status. Not only does the industry and our clients justifiably benefit.....the motoring public benefits by viewing up-to-date, well maintained signage as opposed to such that is the opposite. I urge you to support this ammending language.

Sincerely,

Lars Lithander

Cars Lithande

Frontier Outdoor Advertising

Billings, MT

EXHIBIT 12 DATE 3-1-95 SB 181

S.B. 181 Testimony

House of Representatives Highway Committee

March 1, 1995

From Rose Magnuson, Task Force Member Polson, MT

Mr. Chairman and Members of the Committee.

I urge you to pass this bill and ask that you amend to restore this bill to its original form. That form took out language allowing new billboards on the side of the highway across from a qualifying activity in unzoned commercial/industrial areas.

The reasons are:

- 1. It was the Task Force consensus to remove the other side language from the original Act.
- 2. It was put back in by an out-of-state corporation and not agreed to by the Task Force.
- 3. It is counterproductive to the objective of clustering new billboards and preserving Montana's scenic vistas.
- 4. It was said to be necessary to allow more opportunity but the size and height of new billboards allows for plenty of visibility from both sides of the highway. (example)
- 5. It will interfere with future land use choices as this picture of a residential area shows.
- 6. We who pay taxes for highways want them built for safety and traveling enjoyment. Uninterrupted vistas are what we want to preserve and what over 90% of our tourists come here to enjoy.

This may seem a small thing to some of you but it will make a big difference in the future face of Montana. We thought we had a lot of space over west but we have seen how quickly our rural settings have been interrupted. We don't want Montana to look like Anywhere, U.S.A. along it's highways and your concerned decisions can balance the need for advertising and the need for space.

Please give this bill a "do pass". Thank you for your time.

75-15-103 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance which that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities and those lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right-of-way: provided those lands on the opposite are not deemed scenic or having aesthetic value as determined by the commission.

(Underlined words beginning in line 5 are to be deleted by the Task Force consensus recommendations.)

To: Senator Tueit and members of the Highways and Transportation Committee DATE.

SB\_

1-95

From: Paul Whiting

139 Wyoning Ave. Billings, MT 59101 voice: 252-5647

fax: 248-6135

Subject: Senate Bills 181 and 183

I strongly urge your committee's support of these bills.

Montana has a national reputation for her scenery, but unfortunately in recent years that resource has been put at risk, largely through billboard proliferation. We must not let Montana look like most other states.

I say most other states because a few states, well-known for their attractiveness to visitors and a source of pride for residents, have outlawed billboards altogether. Simply naming these states, Alaska, Hawaii, Maine, and Vermont, brings to mind stunning scenery. Other states, while not outlawing billboards altogether, have done a better job than Montana at regulating signage. One simply has to cross the border into our neighboring state of Washington to see a striking difference in how that state values its scenic resources.

Business is not harmed by sign regulation, in fact evidence shows business is ultimately enhanced. We have friends in Wyoming who choose not to shop here because they say from the highway Billings looks like Anycity, USA.

Montana, and Montanans, deserve better. Please do what you can to keep the Big Sky open.

Thank you.

The Honorable Marc Racicot Helena, MT

Dear Gov. Racicot:

I am writing to express my support of limiting the proliferation of billboards on Montana's highways.

Montana is a beautiful place and its beauty is notifust aesthetic, it is pragmatic. Montana is capable of attracting tourism and industry by maintaining its uniqueness and "Spirit of Place."

Limit the amount of ugly, landscape destroying billboards in Montana. Maintain the integrity of our visual environment--

It's good business!

Thank you,

Susan DeCamp

711 Ave. C

Billings, MT 59102

248-4543

EXHIBIT 15

DATE 3-1-95

SB 181

#: 1525 S18/Mail

14-Nov-94 21:35 MST

Sb: Billboards

Fm: Richard Parks, 73057,301 [73057,301]

To: Paul Whiting, 73357,3324

# Paul

As you know I own and operate a sporting goods store and outfitting business in Gardiner, MT at the north entrance to Yellowstone National Park. I have not had a billboard up for 20 years. There are two main reasons.

- 1. They are expensive to maintain, and unmaintained billboards give a very bad impression of your business to a potential client.
- 2. I don't think my clientele looks to billboards for information about my business. They are here to fish and look at the country not billboards.

# Distribution:

To: Paul Whiting, > [73357,3324]

#: 1532 S18/Mail 15-Nov-94 23:34 MST

Sb: Big skies and billboards

Fm: INTERNET:BlueCreek@aol.com

To: 73357,3324

November 14, 1994

Dear Paul,

I share your viewpoint that billboards form a blight on our land. As I travel to Red Lodge, for example, I could be looking at the beautiful bottom lands of Rock Creek, surveying the nearby sandstone outcrops for raptors, or enjoying the views of the Beartooths. Instead, I am confronted by unsolicited and unwanted exhortations to eat at this or that establishment, to visit this or that sight, to purchase trade goods for which I have no immediate use, and to sleep here or there. This simply should not be.

Ours is a beautiful state. Our motto and our tourist literature promote the attractions of our landscape. Why should we-and our visitors-be forced to peek between the legs of a grossly oversized sign to see this beauty?

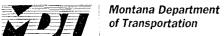
Some have argued that billboards provide important information to travelers and justify their use on that basis. I ask them: What traveler has a need to find an investment broker? What trucker needs a billboard to tell him or her where to buy tires? How many of those driving the interstate need to know where to obtain heavy equipment? Yet, many of the signs along the highway between Laurel and Billings provide just this sort of useless information.

This is not to suggest that travelers have no need for some of the information that billboards currently provide. Travelers do need to know where to get gas, where to find a bite to eat, or where to pull in to sleep for the night.

We already have a suitable venue in which this information can be conveyed to the out-of-towner and this is on the smaller blue "logo" signs. Travelers are able to use these signs quite effectively, particularly so in locales in which the larger, more vulgar billboards are absent. Those who need further information could find it at conveniently located traveler's information sights, such as those offered by the Chambers of Commerce in Billings or Red Lodge. Business establishments that cater to tourist needs also could promote local attractions.

As a Montanan, I am proud of our big sky country. I share with my fellow Montanans a deep love for the beauty of our state. I want visitors to see our home, uncluttered by commercial intrusions. More importantly, I want us to be able to see an uncluttered roadside. Our environment can enrich our spirit through its beauty, or diminish it by surrounding us with the mundane, the ill-considered, and the trivial: the choice is ours. I, for one, choose beauty. Give us no billboards!

Yours, Rosanna Buehl



2701 Prospect Avenue PO Box 201001 Helena MT 59620-1001 DATE 3-1-95

HB Marc Racicot, Governor

March 1, 1995

Legal Services Unit Telephone: (406) 444-6090

Fax: (406) 444-7206

The Honorable Sheill Anderson Chair, House Highways and Transportation State Capitol Helena, MT 59620

Re: Senate Bill 103

Dear Representative Anderson:

The Department of Transportation supports passage of Senate Bill 103 by Senator Don Hargrove, Senate District 16. This bill was introduced at the request of the Department of Transportation for two reasons. Section 1 of the bill amends existing state law,  $\S$  60-4-401, MCA, by revising subsection (3) by listing what highways are to be designated on the federal-aid systems. The four designated systems are:

- (1) the National Highway System,
- (2) the Primary Highway System,
- (3) the Secondary Highway System, and
- (4) the Urban Highway System.

This definition is consistent with those used in other statutes of the Montana Highway Code as is required by federal legislation, ISTEA. This amendment is also consistent with Senate Joint Resolution 17 (1993 Session) where the Department of Transportation was directed to assess the need for revision to Montana statutes as a result of changes in federal law and to propose to this Legislature in bill form recommended revisions. Section 1 accomplishes that task.

Section 2 of the bill amends section 60-4-403, MCA, dealing with relocation costs that the Department must pay utilities who presently occupy highway right-of-way, but need to move because of highway construction. Since 1965, three statutes have been in the Department's state code dealing with cost of utility relocation. The reason for the change was made at the recommendation of the Legislature Auditor's staff because of a recent Montana Supreme Court decision, Northern Lights v. Department of Transportation, Mont. , 874 P.2d 6 (1994). In that decision, the Montana Supreme Court affirmed a lower court's decision that interpreted section 60-4-403, MCA, as requiring the State to reimburse 75 percent of relocation costs even if the particular highway construction project was not one of the Department's and was not one on the federal-aid system as indicated in section 60-4-401, MCA.

The Honorable Sheill Anderson Page 2 March 1, 1995

While this case may be unique to its particular facts, it was suggested to clarify and prevent any further misunderstanding. The statute is amended to ensure that the 75 percent relocation costs paid by the Department are only for federal-aid system constructions of the Department.

This is not intended in any manner to change the existing way the Department deals with utility companies. It is intended only for the Department and not for any local governments. This bill only applies to those situations involving the Department of Transportation.

Very truly yours,

NICK A. ROTERING, Staff Attorney

Micka. Tolering

Legal Services

NAR: jw

# HOUSE OF REPRESENTATIVES VISITOR'S REGISTER

Highways and.	Languitation committee	BILL NO. S <u>B103,58114</u> ,5818
DATE 3-01-95	sponsor (s) Sen. Hargrove,	Sen. Mohl, Sin. Wildon

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
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Hope Travels 181 Lans Lithander	Frontier Orddour	X	
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Rose Magnuson	Citizen for Scenie Lohe County	V	
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RICH MUNGER	Dept of Ivansportation	5618/_	
Sara Busey	Sau america's Visual Envivoamu	+ V181	
NICK ROTERING	DOT	5B 103	
Jean Cecter	Hall Outdoor		-
Harlie Joens	Some Chaires Dirud Ewans		
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# HOUSE OF REPRESENTATIVES VISITOR'S REGISTER

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DATE 3-01-95 SPONSOR (8) Sun. Hardone Sen 1986, SBISI, SBISI

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
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Karen C. Zwister	Citizens for a Better Flat	Leaf	
ALLAN MATHEWS -			
GARY GILMORE	BLUE ROCK HISTORIES-ALBERTON	114 X	anend
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# HOUSE OF REPRESENTATIVES VISITOR'S REGISTER

Highway	95 SPONSOR(S)	• COMMITTEE	BILL NO.	58181
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
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