

HOUSE BILL NO. 547

INTRODUCED BY C. SMITH, OCHSNER, CONROY, FEDA,  
DEVLIN, HAPPERMAN, HAMMOND, GRAHAM, ZABROCKI,  
KEYSER, CURTISS, SWITZER

IN THE HOUSE

January 28, 1981	Introduced and referred to Committee on Highways and Transportation.
February 7, 1981	Committee recommend bill do pass as amended. Report adopted.
February 9, 1981	Bill printed and placed on members' desks.
February 10, 1981	Second reading, do pass.
February 11, 1981	Correctly engrossed.
February 12, 1981	Third reading, passed. Ayes, 90; Noes, 9. Transmitted to Senate.

IN THE SENATE

February 13, 1981	Introduced and referred to Committee on Highways and Transportation.
March 14, 1981	Committee recommend bill be concurred in. Report adopted.
March 17, 1981	Motion pass consideration.
March 18, 1981	Second reading, concurred in.
March 20, 1981	Third reading, concurred in. Ayes, 34; Noes, 14.

IN THE HOUSE

March 21, 1981	Returned from Senate. Con- curred in. Sent to enrolling.
March 24, 1981	Correctly enrolled.
March 25, 1981	Signed by Speaker.
March 26, 1981	Signed by President.  Delivered to Governor.
April 1, 1981	Returned from Governor with recommended amendments.
April 9, 1981	Second reading, Governor's amendments concurred in.  On motion rules suspended and bill placed on third reading this day.  Third reading, Governor's amendments concurred in. Ayes, 89; Noes, 2. Trans- mitted to Senate.

IN THE SENATE

April 10, 1981	Bill received from House.
April 13, 1981	Second reading, Governor's amendments concurred in.
April 14, 1981	Third reading, Governor's amendments concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

April 15, 1981	Returned from Senate. Con- curred in. Sent to enrolling.  Reported correctly enrolled.
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HOUSE BILL NO. 547

INTRODUCED BY *C. Smith, O. Jensen, C. Conroy, T. Fitch*

*Hoffman, Hammond, Sherkov, Zabriskie*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SIGNS OR DISPLAYS THAT ADVERTISE CULTURAL EXHIBITS OF NONPROFIT HISTORICAL ORGANIZATIONS TO BE ERECTED IN PROXIMITY TO HIGHWAYS; AMENDING SECTION 75-15-111, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-15-111, MCA, is amended to read:

"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions. (1) Outdoor advertising may not be erected or maintained which is within 660 feet of the nearest edge of the right-of-way and which is visible from any place on the main-traveled way of an interstate or primary system except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

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(d) signs, displays, and devices located in areas which are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the department of highways and the secretary and defined by rules adopted by the commission. The exception granted by this subsection shall not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

~~(f) signs or displays advertising the cultural exhibits of nonprofit historical organizations.~~

(2) Outdoor advertising authorized under subsections (a), (d), and (e) of (1) of this section shall conform with standards contained in and shall bear permits required in rules which are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if such outdoor advertising is or was erected with the purpose of its message being read from such main-traveled way and visible from such main-traveled way unless such outdoor advertising meets the criteria of

-2- INTRODUCED BILL  
HB 547

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1 subsections (a), (b), or (c) of (1) of this section. Should  
2 such outdoor advertising meet said criteria, it shall  
3 conform with standards contained in rules which are adopted  
4 by the commission and this part."

-End-

Approved by Committee  
on Highways & Transportation

1 HOUSE BILL NO. 547  
2 INTRODUCED BY C. SMITH, OCHSNER, CONROY, FEDA,  
3 DEVLIN, HAFFERMAN, HAMMOND, GRAHAM, ZABROCKI,  
4 KEYSER, CURTISS, SWITZER  
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SIGNS OR  
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21 and notices pertaining to natural wonders and scenic and  
22 historical attractions, as authorized or required by law;

23 (b) signs, displays, and devices advertising the sale  
24 or lease of property upon which they are located;

25 (c) signs, displays, and devices advertising

1 activities conducted on the property upon which they are  
2 located;

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17 (2) Outdoor advertising authorized under subsections  
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20 rules which are adopted by the commission and this part.

21 (3) Outdoor advertising may not be erected or  
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23 right-of-way of an interstate or primary highway outside of  
24 an urban area if such outdoor advertising is or was erected  
25 with the purpose of its message being read from such

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1 main-traveled way and visible from such main-traveled way  
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4 such outdoor advertising meet said criteria, it shall  
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-End-

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2 INTRODUCED BY C. SMITH, BOSNER, CONROY, FEDA,

3 DEVLIN, HAFFERMAN, HAMMOND, GRAHAM, ZABROCKI,

4 KEYSER, CURTISS, SWITZER

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HB 0547/02

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-End-

March 31, 1981

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 547;  
REFERENCE COPY AS FOLLOWS:

1. Page 2, Line 16  
Following: "organizations"  
Insert: "if the signs or displays conform with the  
standards provided in Title 23, Code of Federal  
Regulations, section 750, subpart B."

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15 (f) signs or displays advertising the cultural  
16 exhibits of nonprofit historical OR ARTS organizations IF  
17 THE SIGNS OR DISPLAYS CONFORM WITH THE STANDARDS PROVIDED IN  
18 TITLE 23, CODE OF FEDERAL REGULATIONS, SECTION 750, SUBPART  
19 B.

20 (2) Outdoor advertising authorized under subsections  
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7 such outdoor advertising meet said criteria, it shall  
8 conform with standards contained in rules which are adopted  
9 by the commission and this part."

-End-



TED SCHWINDEN  
GOVERNOR

State of Montana  
Office of the Governor  
Helena 59620

March 31, 1981

The Honorable Jean A. Turnage  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Robert L. Marks  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 547, "AN ACT TO ALLOW SIGNS OR DISPLAYS THAT ADVERTISE CULTURAL EXHIBITS OF NONPROFIT HISTORICAL OR ARTS ORGANIZATIONS TO BE ERECTED IN PROXIMITY TO HIGHWAYS; AMENDING SECTION 75-15-111, MCA," without my signature and recommend the attached amendment for the following reasons.

House Bill No. 547 as adopted allows the erection of signs or displays advertising cultural exhibits of nonprofit historical or arts organizations along highways without the imposition of any standards on size, location, or content. I know the bill was prompted by a desire to save the Range Rider Museum sign near Broadus, Montana. I support the concept of permitting advertising of Montana's cultural exhibits and have directed the Department of Highways to develop alternative locations for the Range Rider Sign. However, the existence of one illegal sign is not the issue here. The problem, if this bill is enacted without amendment, is that Montana's law will be less restrictive than federal law and for that reason Montana will fail to comply with federal requirements.

Under the federal outdoor advertising act, states which have less restrictive standards than those provided by federal law or regulations are subject to a 10 percent reduction in federal funds apportioned to the state.

The pertinent part of the federal statute is:

(b) Federal-aid highway funds apportioned ... to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices ... shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. 23 U.S.C. Sec. 131

In fiscal year 1981, Montana was apportioned \$82,851,161 in federal highway funds. Over \$8 million would be jeopardized by the enactment of this bill.

I share your frustration with federal interference and regulation of state concerns. I am, however, very concerned with the loss of highway funding. As I mentioned in my transportation message on March 3, Montana's highways are in deplorable condition. The highway system is losing the race against inflation. As executive officer of this State, I cannot justify gambling \$8 million of Montana's share of federal funds.

It is clear that I would risk those funds if I did not act. Today, I received a telegram from President Reagan's newly appointed Federal Highway Administrator, Ray Barnhart. He informed me that if this bill is signed into law unamended he would have no choice but to withhold part of the federal aid funds to Montana, as has already been done in at least five states.

In 1977, South Dakota permanently lost \$4.3 million for failure to comply with the federal government after taking the issue to the U.S. Supreme Court. In the four other states - Vermont, New York, Alabama and Oklahoma - federal funds were withheld and only restored after the states brought their laws into compliance with the federal law.

The Legislature may be willing to risk a costly legal battle or the loss of these necessary funds to satisfy their frustration over federal laws, but I do not think this would be in the best interests of the people of Montana. The battle over federal domination of state decisions needs to be fought,

Senator Turnage and Representative Marks

March 31, 1981

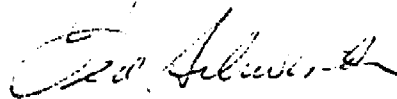
Page Three

but can only be successful if we choose those cases where the issues are of key importance to Montana and where our legal position is sound. This is clearly not the case with H.B. 547.

The amendment I propose will permit cultural signs in locations where they are not now permitted. The federal standards for such signs are in some ways less restrictive than present Montana law. The adoption of the amendment will result in compliance with federal requirements to assure full funding of Montana's highway projects and also allow the advertising of cultural exhibits in many new locations.

I urge your concurrence in this amendment.

Sincerely,



TED SCHWINDEN  
Governor