

HOUSE AMENDMENTS TO HOUSE BILL 2273

By COMMITTEE ON TRANSPORTATION

April 4

- 1 On page 1 of the printed bill, line 4, delete “and 377.787” and insert “, 377.787 and 377.800”.
- 2 In line 16, after the period delete the rest of the line and line 17.
- 3 On page 3, line 4, after “cutout” insert “or display surface of the same dimensions, replacing
- 4 lights or the catwalk”.
- 5 In line 17, delete “illegally” and insert “unlawfully”.
- 6 In line 30, delete the period and insert “; or”.
- 7 In line 44, before “height” insert “overall”.
- 8 In line 45, delete “legally” and insert “lawfully”.
- 9 On page 4, after line 37, insert:
- 10 “(34) ‘Travel plaza’ means any staffed facility erected under the authority of the Travel Infor-
- 11 mation Council to serve motorists by providing brochures, displays, signs and other visitor infor-
- 12 mation and located in close proximity to a highway.”.
- 13 In line 38, delete “(34)” and insert “(35)” and delete “an outdoor advertising” and insert “a”.
- 14 In line 44, delete “(35)” and insert “(36)”.
- 15 On page 5, line 3, delete “(36)” and insert “(37)”.
- 16 In line 26, delete “legally” and insert “lawfully”.
- 17 On page 6, line 29, delete “maintain” and insert “control”.
- 18 In line 30, delete “maintenance” and insert “control”.
- 19 On page 7, line 31, after “377.767” insert “, and the holder of the permit is not entitled to a
- 20 relocation credit as defined in section 4 of this 2007 Act”.
- 21 On page 8, after line 1, insert:
- 22 “(15) Any hearing under this section shall be conducted as a contested case hearing under ORS
- 23 chapter 183.”.
- 24 On page 9, delete lines 35 through 45.
- 25 On page 10, delete lines 1 through 42 and insert:
- 26 “**SECTION 13.** ORS 377.765 is amended to read:
- 27 “377.765. (1) Outdoor advertising signs in existence on [*June 12, 1975*] **the effective date of this**
- 28 **2007 Act**, and lawfully located within commercial or industrial zones in existence on [*June 12,*
- 29 *1975*] **the effective date of this 2007 Act**, and outdoor advertising signs visible from a road or
- 30 street that is designated as a state highway after [*February 19, 1990*] **the effective date of this 2007**
- 31 **Act, and** lawfully located within a commercial or industrial zone at the time [*of designation*] **the**
- 32 **road or street is designated** as a state highway, may remain. Subject to the provisions of ORS
- 33 377.700 to 377.840, such signs may be maintained, reconstructed and relocated. However, such signs
- 34 [*shall*] **may** not be relocated unless a relocation permit has been issued [*therefor*] pursuant to ORS
- 35 377.767. [*No*] **A** permit may **not** be issued to relocate an outdoor advertising sign that was not

1 **lawfully** in existence on [*June 12, 1975*] **the effective date of this 2007 Act**, except that **outdoor**
2 **advertising signs that are visible from a road or street that is designated as a state highway**
3 **after the effective date of this 2007 Act, and that are lawfully located within a commercial**
4 **or industrial zone at the time the road or street is designated as a state highway, may be**
5 **relocated within the same section of highway.** [*signs that are visible from a road or street that is*
6 *designated as a state highway after February 19, 1990, and that were lawfully located within a com-*
7 *mercial or industrial zone at the time of designation as a state highway, may be relocated within the*
8 *same section of the road or street.*]

9 “(2) All outdoor advertising signs [*which*] **that** are lawfully located outside of a commercial or
10 industrial zone and visible from an interstate highway or a primary highway shall be removed
11 [*forthwith*] upon payment of just compensation as provided by ORS 377.780.

12 “(3) Upon payment of just compensation, **the Department of Transportation may remove** any
13 **lawful** outdoor advertising sign located in a scenic area designated pursuant to ORS 377.505 to
14 377.540 [*may be removed forthwith*].

15 “(4) Where an outdoor advertising sign was reconstructed under a waiver, upon payment of just
16 compensation for that portion of the value [*which*] **that** is not covered by the waiver, **the depart-**
17 **ment may remove the outdoor advertising sign.** [*such outdoor advertising sign may be removed*
18 *forthwith.*]

19 “(5) Outdoor advertising signs in existence on [*July 1, 1971, which*] **the effective date of this**
20 **2007 Act that** are lawfully located outside of a commercial or industrial zone in existence on July
21 1, 1971, and visible from a secondary highway and not within a scenic area existing on July 1, 1971,
22 or thereafter designated a scenic area may be removed only upon payment of just compensation as
23 provided in ORS 377.780. [*Such a sign may, upon payment of such just compensation, be removed*
24 *forthwith.*] **Upon payment of just compensation, the department may remove the outdoor ad-**
25 **vertising sign.** It may not be reconstructed or replaced if destroyed by natural causes and [*it may*
26 *not be moved to a different location*] **may not be relocated.**

27 “(6) Subject to subsection (2) of this section, **the department may remove without payment**
28 **of just compensation** every outdoor advertising sign erected since October 22, 1965, pursuant to
29 a waiver, adjacent to an interstate highway or a primary highway and outside of a commercial or
30 industrial zone [*shall be removed forthwith, without payment of compensation*], unless an owner of
31 such a sign or signs, within 10 days after April 18, 1973, enters into an agreement transferring title
32 to the signs to the state. Such an agreement may provide for the leasing back of such signs and for
33 a scheduled removal which shall be not later than December 31, 1975.

34 “(7) If a secondary highway existing on July 2, 1971, is subsequently designated as an interstate
35 or primary highway, **upon payment of just compensation, the department may remove** outdoor
36 advertising signs not conforming to the provisions of ORS 377.700 to 377.840 [*shall be removed upon*
37 *payment of just compensation*].

38 “(8) If any other highway is designated as an interstate or primary highway, **upon payment of**
39 **just compensation, the department may remove** a nonconforming outdoor advertising sign lawful
40 before such designation but nonconforming thereafter [*shall be removed upon payment of just com-*
41 *penensation*].

42 “(9) Upon the construction or designation of a secondary highway, after July 2, 1971, an outdoor
43 advertising sign lawfully in existence and not regulated under ORS 377.700 to 377.840 prior to such
44 construction or designation [*shall be governed by*] **is subject to** subsection (5) of this section.

45 “(10) Any outdoor advertising sign lawfully in existence outside of a city on July 2, 1971, beyond

1 660 feet from the nearest edge of the right of way of an interstate or primary highway and designed
2 to be viewed primarily from such highway shall be removed by July 1, 1976, without
3 compensation.”.

4 On page 11, line 2, after the period delete the rest of the line and line 3.

5 In line 4, delete “ing sign.”.

6 In line 37, after the period insert “For relocation credits that exist as of the effective date of
7 this 2007 Act, a permit may not be issued to relocate an outdoor advertising sign more than 100
8 miles from the existing site of the sign as of September 1, 1977, as measured along public streets,
9 roads or highways between that site and proposed new site.”.

10 On page 12, line 2, after the period insert “If a portion of a highway is no longer designated as
11 a scenic byway, as provided by state and federal law, an outdoor advertising sign may be relocated
12 to that portion subject to ORS 377.700 to 377.840 and 377.992 and any other limitations provided by
13 law.”.

14 In line 38, delete “legally” and insert “lawfully”.

15 In line 44, delete “legally” and insert “lawfully”.

16 On page 14, delete lines 7 through 10.

17 In line 11, delete “(8)” and insert “(7)”.

18 Delete lines 13 through 42 and insert:

19 “**SECTION 19.** ORS 377.780 is amended to read:

20 “377.780. (1) Where the Department of Transportation elects to remove and pay for a sign visible
21 from secondary highways pursuant to ORS 377.765 (5), **upon removal, the department shall pay**
22 just compensation [*shall be paid upon the removal thereof*].

23 “(2) For the purposes of ORS 377.700 to 377.840, the department may acquire by purchase,
24 agreement, donation or exercise of the power of eminent domain land or an interest in land or a
25 sign. [*It*] **The department** shall pay just compensation for:

26 “(a) The taking from the owner of such lawfully [*placed*] **located** sign all right, title, leasehold
27 and interest in such sign; and

28 “(b) The taking from the owner of the real property on which the sign is located the right to
29 place such sign thereon.

30 “(3) When the department is required under ORS 377.700 to 377.840 to make payment therefor
31 to remove a sign, the payment shall be for the value of the items specified by subsection (2) of this
32 section, as determined by the department. In determining value, the department shall use the ac-
33 cepted appraisal method customarily used in such cases or the method prescribed by federal regu-
34 lations, if any, applicable to such appraisals or payments, whichever results in the lowest valuation.
35 However, in any case, the department shall so appraise such signs or rights taken by whatever
36 method may be required to avoid imposition of a reduction in the amount of federal highway funds
37 the state otherwise would be eligible to receive.

38 “**SECTION 20.** ORS 377.787 is amended to read:

39 “377.787. (1) The Travel Information Council may enter into contractual or other agreements
40 with other governmental agencies of this state or an independent contractor to study various ways
41 of providing information deemed necessary to the [*motoring*] **traveling** public by signs, information
42 centers or other means. The council may also enter into contractual or other agreements with other
43 governmental agencies of this state or an independent contractor for the construction of exper-
44 imental signs or displays to provide information deemed necessary to the [*motoring*] **traveling** pub-
45 lic.

1 “(2) Notwithstanding any other provisions of ORS 377.700 to 377.840, the Travel Information
2 Council shall institute logo sign and motorist informational sign programs on the state highway
3 system and adopt any rules necessary to carry out such programs.”.

4 On page 16, after line 10, insert:

5 “**SECTION 25.** ORS 377.800 is amended to read:

6 “377.800. (1) For the convenience and information of the traveling public, a person may upon
7 obtaining a permit therefor display messages as may be allowed by rule adopted by the Travel In-
8 formation Council for the particular type of sign on a motorist informational sign, tourist oriented
9 directional sign[,] or logo sign or at a sign plaza or travel plaza.

10 “(2) **The Travel Information Council may not erect a travel plaza on public lands without
11 first obtaining consent from the agency that owns the land.**

12 “**SECTION 26.** (1) **There is created the Sign Task Force on outdoor signs, consisting of
13 13 members appointed as follows:**

14 “(a) **The President of the Senate shall appoint one member from among members of the
15 Senate.**

16 “(b) **The Speaker of the House of Representatives shall appoint one member from among
17 members of the House of Representatives.**

18 “(c) **The Governor shall appoint one representative from the Department of Transporta-
19 tion.**

20 “(d) **The Attorney General shall appoint one member.**

21 “(e) **The Director of Transportation shall appoint three representatives from the outdoor
22 sign industry holding 300 or more outdoor sign permits and relocation credits combined.**

23 “(f) **The director shall appoint three representatives from the outdoor sign industry
24 holding fewer than 300 outdoor sign permits and relocation credits combined.**

25 “(g) **The director shall appoint one representative from an organization that promotes
26 scenic values.**

27 “(h) **The director shall appoint one representative who is a landowner and who receives
28 compensation from outdoor advertising companies.**

29 “(i) **The director shall appoint one representative from an advertising agency that does
30 business with outdoor advertising companies in this state.**

31 “(2) **The task force shall examine:**

32 “(a) **Permitting of tri-vision signs;**

33 “(b) **Ownership, use and other issues regarding relocation credits;**

34 “(c) **Emerging technologies in the outdoor sign industry;**

35 “(d) **Increasing the penalties for violation of outdoor sign regulations;**

36 “(e) **Just compensation related to required removal of outdoor advertising signs; and**

37 “(f) **Any other issues relating to the regulation of the outdoor sign industry the task
38 force determines is appropriate.**

39 “(3) **A majority of the members of the task force constitutes a quorum for the trans-
40 action of business.**

41 “(4) **Official action by the task force requires the approval of a majority of the members
42 of the task force.**

43 “(5) **The task force shall elect one of its members to serve as chairperson.**

44 “(6) **If there is a vacancy for any cause, the appointing authority shall make an appoint-
45 ment to become immediately effective.**

1 “(7) The task force shall meet at times and places specified by the call of the chairperson
2 or of a majority of the members of the task force.

3 “(8) The task force shall have its first meeting on or before the later of 30 days after
4 adjournment sine die of the regular session of the Seventy-fourth Legislative Assembly or
5 July 31, 2007.

6 “(9) The task force may adopt rules necessary for the operation of the task force.

7 “(10) The task force shall submit a report, and may include recommendations for legis-
8 lation, to an interim committee related to transportation as appropriate no later than No-
9 vember 1, 2008.

10 “(11) The Department of Transportation shall provide staff support to the task force.

11 “(12) Members of the task force who are not members of the Legislative Assembly are
12 not entitled to compensation but may be reimbursed for actual and necessary travel and
13 other expenses incurred by them in the performance of their official duties in the manner
14 and amounts provided for in ORS 292.495. Claims for expenses incurred in performing func-
15 tions of the task force shall be paid out of funds appropriated to the department for that
16 purpose.

17 “(13) All agencies of state government, as defined in ORS 174.111, are directed to assist
18 the task force in the performance of its duties and, to the extent permitted by laws relating
19 to confidentiality, to furnish such information and advice as the members of the task force
20 consider necessary to perform their duties.

21 “SECTION 27. Section 26 of this 2007 Act is repealed on the date of the convening of the
22 next regular biennial legislative session.”.

23 In line 11, delete “25” and insert “28”.

24 In line 12, delete “26” and insert “29”.