



February 8, 2012

House Committee on Transportation and Economic Development  
900 Court Street, Room 953  
Salem, OR 97301

RE: First Public Hearing for House Bill 4031

Dear Chair Bentz & Hunt and Members of the Committee:

**The Issue**

Upon the expiration or termination of a lease agreement the current Oregon Motorist Information Act (OMIA) creates, for the owner of an existing outdoor advertising sign, the right to, at some point in the future, seek for alternate owners of property upon which to relocate its sign permit. The mechanism this is accomplished through is called a relocation credit (see ORS 377.762 & 377.767). However, this right is realized by the sign company ONLY through the extinguishment, in total, of the landowners local land use right to preserve and maintain the sign structure.

The OMIA creates this right to relocate or have relocated a sign permit ONLY for the sign company failing to acknowledge that the local land use permit right, that allowed for the sign to be originally placed on the property, and the local land use right that allows for the sign to exist and be maintained during the lease is a local and perennial right running with the land and its owner. The OMIA should not provide the tenant sign company the right to gain a relocation right through the uncompensated extinguishment of a local land use right perennial to the landowner.

**How Does House Bill 4031 Resolve This Issue**

House Bill 4031 resolves this issue by creating a similar right for the owner of the land. Under House Bill 4031 upon the expiration or termination of a lease agreement the sign company will continue to have its right to seek out and relocate with a different property owner, however the landowner will also have the right to seek the opportunity to have a different sign company relocate one of its permits to the sign currently existing on its property.

House Bill 4031 simply corrects the unjust and inequitable practice of a "tenant" taking an action (removal of a nonconforming use), that extinguishes, involuntary to the landowner, the landowners right to preserve and maintain its local land use right.



There are approximately 1,560 existing outdoor advertising signs and also approximately 1,560 separate owners of land upon which these signs are located, across the 36 counties here in Oregon.

Of these 1,562 existing signs we estimate that 1,333 are owned by a total of 16 different outdoor advertising sign companies.

1,232 (78%) of these being owned by 4 sign company's and 101 (6%) being owned by the remaining 12.

House Bill 4031 creates no new rights for any of the 16 sign company's. House Bill 4031 creates no new signs or permits. House Bill 4031 treats ALL 16 sign companies exactly the same.

We are a sign company owning 13 existing signs and House Bill 4031 will have the same effect on our company as it will on a sign company owning 200+ signs. We support House Bill 4031 because we haven't forgotten that the landowner is the number one client. What's not to support about House Bill 4031.

**House Bill 4031 simply acknowledges that the 1,560 current owners of land should have the same opportunity of the sign company's - to have more than ONE party to choose from when considering a lease agreement.**

Please pass House Bill 4031.

Sincerely,

*Chris Daugherty*

Chris Daugherty  
Total Outdoor