

2023 HOUSE TRANSPORTATION

HB 1078

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1078
1/5/2023

A bill relating to limiting the removal of obstructions in city limits.

Chairman Ruby opened the hearing at 10:38am.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

Discussion Topics:

- Advertisements adjacent to state highways

Wayde Swenson, Director of the Office of Operations for the North Dakota Department of Transportation, testified in support (#12394).

Brad Darr, State Maintenance Engineer for the North Dakota Department of Transportation, answered questions from the committee.

Chairman Ruby closed the hearing at 10:51am.

Representative Dobervich moved a do pass.

Representative K. Anderson seconded the motion.

Committee discussion.

Rollcall vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	N
Representative Karen A. Anderson	N
Representative Cole Christensen	N
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	N
Representative Kathy Frelich	N
Representative Dori Hauck	N
Representative Ben Koppelman	N
Representative Eric James Murphy	Y
Representative Kelby Timmons	N
Representative Scott Wagner	Y
Representative Robin Weisz	N

Motion failed 5-9-0

Representative Koppelman moved a Do Not Pass.

Representative Christensen seconded the motion.

Rollcall vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	N
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	N
Representative Robin Weisz	Y

Motion passed 11-3-0

Representative Christensen is the bill carrier.

Meeting adjourned at 11:07am.

Mary Brucker, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1078: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1078

**House Bill No. 1078****House Transportation Committee**

Room 327E | January 5, 2023, 10:30 a.m.

Wayde Swenson, Office of Operations Director

Mr. Chairman and members of the committee - I'm Wayde Swenson, Director of the Office of Operations for the North Dakota Department of Transportation (NDDOT). I'm here to support House Bill 1078.

House Bill 1078 proposes to modify NDCC 24-17-12, Enforcement, a subchapter of NDCC 24-17 of the North Dakota Century Code, concerning Advertising Adjacent to "State Highways."

In 1965, the federal Highway Beautification Act was passed. The purpose of the federal act was to protect public investment in highways, to promote safety and recreational value of public travel, and to preserve natural beauty by controlling outdoor advertising. NDCC Chapter 24-17 was enacted in response to the federal act. The state of North Dakota, through the NDDOT, regulates and controls outdoor advertising through Chapter 24-17 and through rules the agency has adopted.

As NDCC 24-17-12 currently reads:

Neither the director nor any other agency nor political subdivision may, by plantings, obstruct the view or in any other way interfere with the effectiveness of any sign legally in place under the rules of this chapter and the rules adopted by the director.

In an urban section, the statute does not allow cities to decide how outdoor advertising signs, trees, and other plantings co-exist within their communities. House Bill 1078 proposes to modify NDCC 24-17-12 by limiting the focus of the statute's language, as it relates to plantings, to rural locations. The statute would continue to apply to rural locations, prohibiting the obstruction of signs by trees and other plantings.

This concludes my testimony. Thank you.