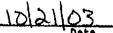


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2003 SENATE TRANSPORTATION

SB 2219

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2219

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-30-03

Side A	Side B	Meter #
X		35-4320
mary K	monson	
	× mary K	Mary Kn)onson

Minutes:

The hearing on SB 2219 was opened by Vice Chairman Senator Duaine Espegard.

Senator Rich Wardner: (State Senator, District 37) SB 2219 provides the opportunity for the state to contract with an independent party to provide signs that would tell where gas, food, lodging, and camping facilities are for the general public along the interstate. Other states have these signs and he finds them very beneficial when traveling. He is sponsoring this bill for the tourism people in the southwest part of North Dakota.

Representative Earl Rennerfeldt: (Representative, District 1) Sponsor of SB 2219. Considers the logo signs as being consumer friendly and a safety feature for travelers. The logo signs complement the big signs. Doesn't feel that it is just the large corporations that can use the signs but states that smaller businesses can and do use them. Handed out a map showing the program status of logo signs. (See attached.)

Senator Espegard: Does the DOT run the program?

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Page 2 Senate Transportation Committee Bill/Resolution Number SB 2219 Hearing Date 1-30-03

Representative Rennerfeldt: Yes. There are people here who will address that.

Representative Ole Aarsvold: (Representative, District 20) (Meter 580) (See attached testimony and letters in support of SB 2219.)

Terri Thiel: (Executive Director of the Dickinson Convention & Visitors Bureau.) (Meter 897)
See attached testimony in support of SB 2219.

Raymond S. Morrell: (Executive Vice President of the Valley City Area Chamber of Commerce and Convention and Visitors Bureau.) (Meter 1160) Valley City, as with many other communities in this state, need the opportunity for this logo sign. SB 2219 would just provide this opportunity. It is not mandating that any business install the signs. The signs would provide more opportunity for the small town business to increase sales.

Bernie Dardis: (President of the Cook Sign Co.) (Meter 1400) Testified against SB 2219. Major reason for being against the bill is that he believes it is ill-conceived. The Beautify America Act of 1964 sets forth many very specific regulations of what qualifies anyone to participate in a national logo program. If a business is not open 365 days a year and so many hours during that given day it does not qualify and it does not qualify if it is not within so many feet of the intersection. Because of the way the convenience stores and gas stations are converting their stores to offer such things as hot dogs and sub sandwiches, they qualify for the food sign. If they are closer to the intersection than a restaurant they get first priority. The part of the bill that says a North Dakota contractor will have preference is misleading. There is no such thing as a preference contract working with the Department of Transportation on a federal level. If the bill passes there will also be more maintenance and safety issues.

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Page 3
Senate Transportation Committee
Bill/Resolution Number SB 2219
Hearing Date 1-30-03

Harold Newman: (President of Newman Outdoor Advertising, Jamestown) (Meter 2200)

Testified in opposition. Pointed out that there are 19 states that use logo signs. Feels the program is unfair and keeps the traffic on the interchange. Doesn't believe it would help the small businesses downtown because it would be tough for them to conform to the regulations. Handed out pictures of logo signs that showed Target listed as a food provider. (Attached)

Target conforms because of their little coffee shop and their operating hours. Businesses closest

Senator Mutch: How much does it cost to lease the signs?

Harold Newman: I understand it is about \$150 a month.

to the road have first choice for sign space.

(Meter 2800) Discussion clarified that the key to conforming is three meals. There is confusion as to how many states participate in the program--46 or 19 states. Some states are extremely restricted and on a limited basis.

Carol O'Meara-Hawken: (Newman Outdoor Advertising) (Meter 3020) Pointed out that the businesses that participate in the logo program have to purchase five signs at approximately \$500/mo: two mainline signs, two ramp signs, and the trailblazer sign. Addressed the problem of who gets first choice on the signs when a contract comes up for renewal and a new business has been built closer to the road.

Presented a letter from Joe Linde, business owner in Valley City. (See attached.)

Tim Horner: (Department of Transportation) Neutral and monitoring SB 2219.

(Meter 4200) Discussion as to who would determine the hours, distances, etc. if SB 2219 is passed.

The hearing of SB 2219 was closed.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2219

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-31-03

1630-1840
Monson

Minutes:

Chairman Senator Thomas Trenbeath opened SB 2219 for discussion.

Senator Nething motioned a Do Not Pass. Seconded by Senator Mutch.

During discussion committee members concurred that the federal law governs the logo signs. It doesn't help the businesses that really need it.

Roll call vote 6-0-0. Passed. Floor carrier is Senator Nething.

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Requested by Legislative Council 01/17/2003

BIII/Resolution No.:

SB 2219

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Blennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$50,000		\$100,000
Expenditures				\$1,000		\$1,000
Appropriations						

city, and so	chool district	fiscal effect	: Identify th	e fiscal effect	on the approp	oriate politica	al subdivision
-2003 Bienr	ilum	2003	3-2005 Bien	nium	2005	-2007 Blen	nlum
Cities	School Districts	Counties	Cities	School Districts	Countles	Cities	School Districts
۰	2003 Blenr	2003 Biennium School	2003 Biennium 2003 School	2003 Biennium 2003-2005 Bieni School	2003 Biennium 2003-2005 Biennium School School	2003 Biennium 2003-2005 Biennium 2005 School School	School School

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

NDDOT studied a similar bill in the 2001 legislative session. During this study, it was found that the majority of states contract their logo signing operation to a consulting/contracting company. As a result, costs to the state are minimal. We determined that Montana and Minnesota receive approximately \$50,000 per year from a similar arrangement. Those revenue estimates were used as the basis for this fiscal note.

A few states own their own signs (South Dakota – for example) and charge for individual signs. We have no projection of income from that example.

- 3. State fiscal effect detail: For Information shown under state fiscal effect in 1A, please:
 - A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

Based on the experience of Montana and Minnesota, we estimate we would receive approximately \$50,000 of income from signing contractors per year. It's assumed that it would take a year to get into place should this bill be enacted, thus only one year of the next biennium would see additional revenue.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

It is assumed that a contractor would need to be selected through a "Request for Proposal" process, which would result in printing and advertising costs. One or more public meetings may also be needed. It is assumed that the contractor would handle the majority of the logo implementation process as well as the ongoing costs of maintaining the program.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the blennial appropriation for each agency and fund affected and any amounts included in the executive

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budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Tim Horner	Agency:	NDDOT
Dhara Namahani			
Phone Number:	328-4406	Date Prepared:	01/24/2003

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A CONTRACTOR	
1	

Date: /-.3/-03
Roll Call Vote #: /

Ron Can vote #

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. <u>SB</u> 22/9

TRANSPORTATION Committee Check here for Conference Committee Legislative Council Amendment Number Do not Pass Action Taken Motion Made By Senator netting Seconded By Senator nutch Yes No Senators Yes Senators Senator Thomas Trenbeath, Chair Senator Dennis Bercier Senator Ryan Taylor Senator Duaine Espegard, V. Chair Senator Duane Mutch Senator Dave Nething Total Absent

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If the vote is on an amendment, briefly indicate intent:



Module No: SR-19-1425 Carrier: Nething Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2219: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

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Page No. 1

SR-19-1425

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2003 TESTIMONY

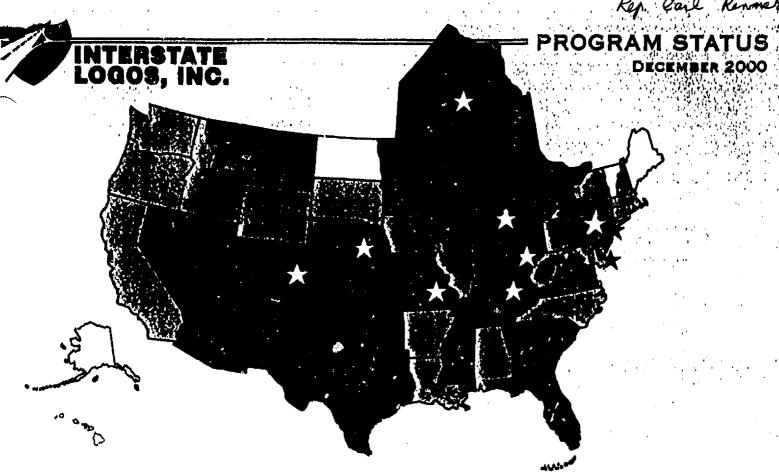
SB 2219

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Rep. Earl Rennerfeld

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Logo Contra	ct
PROGRAM	Contracy Selection Dates
Arizona	12-1987
★ Colorado	3-1999
★ Delaware	8-1999
★ Florida	12-19 96
★ Georgia	4-1995
Indiana	6-1988
★ Kansas	5-1993
* Kentucky	10-1993
★ Michigan	2-19 9 6/8-1999
★ Minnesota	8-1985/3-1995
★ Mississippi	9-1993
★ Missouri	1-1991
Montana	3-1990
★ Nebraska	12-1988
★ Nevada	6-1992
★ New Jersey	5-1996
* New Mexico	7-1999
★ Ohio	12-1991
★ Oklahoma	4-1989
★ Ontarlo Province	9-1998
★ OTA	4-1992*
★ South Carolina	5-1995
Tennesseo	7-1989
★ Texas	3-1993
★ Utah	4-1990

TODS Contract

PROGRAM			
	Contract Belection Dayer		SELECTION DATES
⊀rColorado	3-99	☆ Nebraska	2-97
☆Kentucky	10-93	☆New Jersey	7-99
☆Michigan	9-97	☆Ohio	12-95
☆Missouri	5-00	☆Ontario Province	11-96

*	Sta	te	
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PROGRAM		
Alabama	Louisiana	Penrsylvania
Arkansas	Maryland	Rhode Island
California	Massachusetts	South Dakota
Connecticut	New Hampshire	Washington
Idaho	New York	West Virginia
Illinois	North Carolina	Wyoming
Iowa	Oregon	. •

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<u> </u>		
PROGRAM		
-Alaska-	-Maine-	Vermont
Howell	North Dekote	

22

A Interstate Logos, Inc. - Logo Contracts A Interstate Logos, Inc. - TODS Contracts

7-1986/3-1994

10-1995

★ <u>Virginia</u>

Wisconsin

Converted from State-Run Program

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Representative Ole Asravold District 20 Route 2, Box 12 Blanchard, ND 58009-9513 caarsvol 6 state nd us

NORTH DAKOTA HOUSE

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0360



TO:

Senate Transportation Committee

Senator Tom Trenbeath

FROM:

Representative Ole Aarsvold

District 20

RE:

SB 2219

Last summer while sitting in one of the three barber chairs in Traill County, one of the three barbers in Traill County who was cutting my hair (plural), asked if I was supportive of yet another effort to institute a tourist information sign program in North Dakota. His position advantage (at my back) and access to sharp instruments led me to conclude that an affirmative answer was the preferred response.

With the commitment out of the way, he proceeded to tell me about the campground that he and his family had recently started. The property acquisition, grading, graveling, water and sewer amounted to a considerable investment. While he did advertising in tourist and travel publications, he finally concluded that a small campground on the interstate (I-29), midway between two much larger cities with KOA's and such, he would have to rely on "drop-in" campers and travelers for most of his trade. Signage regulation prevented him from erecting affordable signs or billboards at locations that served his purpose. The small "camping" sign provided by the Department of Transportation inferred his campground to be primitive. That has since been corrected, but the sign is too small and inconspicuous to be effective. I have attached a letter from this gentlemen for your information.

Since SB 2219 has been filed, I have received e-mail and phone calls from others in the tourism trade and businessmen, all supporting tourist information signage. I have included some of them for your review. I have heard no negative reaction to SB 2219.

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12/2/03

Beyond the business interest, I have been told by friends and acquaintances who travel extensively that such signage makes their travel much easier. Travelers with large travel trailers and motor homes can find themselves in a difficult situation by taking a wrong exit. SB 2219 would add an element of security and confidence with tourist information signs available to guide them to the services they need.

I request the committee act favorable on SB 2219. It is the right thing for North Dakota.

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CANCELLANDER PROGRAMME AND THE RESIDENCE OF THE STATE OF



Milishere Campyround a RY Park

203 6th St. SW Address Line 2 Hillsboro, ND 58045

Phone 701-636-5205 Fax 701-636-4186 Email camper@rrv.net

January 24, 2003

Senator Tom Trenbeath Chairman Senate Transportation Committee

Dear Sir,

I live in Hillsboro and own and operate a campground. We depend on drop in business from the highways and ever since we've been in business we keep hearing from the travelers that we should have signs on the highway directing them to us.

I unfortunaltely have to tell them that billboard signs are beyond the price range of a small operation like us and we can't leagally erect any other type of sign on the right-of-way.

Therefore I'm fully in favor of the proposed Logo Signs that you are considering at this time.

Other businessmen in town are also of the mindset that they would help direct travelers to us also.

If we are to be truely tourist friendly I feel the logo signs are an important part of the equation.

Please give 2219 a DO PASS RECOMENDATION.

Sincerely

Paul W. Olson

Hillsboro Campground & RV Park

of Olson

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"Jay and Lorraine
Jacobson"

<ili>Jacob@drtel.net>

To: < oaarsvol@state.nd.us>

Subject: SB 2219

01/27/2003 05:12 PM

As member Development, Inc. in Milnor, ND, I support this bill so people will now what my small rural community has to offer. Please support this bill. Thank you for your interest and support. Lorraine Jacobson 14055 Hwy 13
Milnor, ND 58060
701-427-5432

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10/21/03

Date



"Mary Lee Nielson" <minielsn@daktel.com

To: "Ole Aarsvoid" < oaarsvoi@state.nd.us>

001

Subject: SB 2219

01/27/2003 08:39 AM

Ole,
The Valley City CVB is in favor of allowing logo signs on the highway.
Thank you for sponsoring SB 2219. We feel that getting cars off I-94 helps
everyone in Valley City. Hopefully you will be hearing from other boards
across the state. Mary Lee Nielson, Chairperson Valley City CVB

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10/21/03

Date





"Bob Koepplin"

bkoepplin@kwh.com To: < oaarsvol@state.nd.us>

001

Subject: Senate Bill 2219

01/27/2003 03:03 PM

Senator Aarsvold, Greetings. On behalf of the Sheyenne River Valley National Scenic Byway and Valley City Historic Bridges Tour, I respectfully request your support of SB 2219 regarding approval of logo signs along interstate. Other states offer this program which is extremely beneficial to travelers and businesses alike.

I am involved in trying to create a nine county tourism partnership (Central Dakota Tourism Partnership) and at the first two organizational meetings the logo signage has been a major topic of discussion. Not all local retailers and business owners may have a logo sign but they have been very supportive in that if we inform the public and can get people off the Interstate highway all local businesses may have a better opportunity to provide goods and services.

I know there is concern that approval of logo signs may result in fewer billboards. I am not sure if there will actually be fewer billboards! Minnesota and other states that have logo signs still have billboards. Billboards are very visible and have a place in targeted marketing. But not all small businesses can afford the cost of billboards.

Your support of SB 2219 will help our small town businesses grow and prosper. Thank you.

If you have any questions please feel free to e-mail or call me at 845-2251 work or 840-0250 cell. Thanks again, for all that you are doing to make North Dakota a better place to live and do business.

sincerely,

Bobby Koepplin, President Sheyenne River Valley National Scenic Byway

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10/21/03

The Mary





Sharon Buhr <buhr@csicable.net>

01/27/2003 10:20 PM

To: < naarsvoi@state.nd.us>

dat

Subject: <no subject>

Senator Aarsvold:

Thank you for introducing SB 2219...highway signs that will help get people off the highway and into our towns. It is a wise investment, so that our towns can prosper. I support the bill and hope you have good support from the committee.

Thank you.

Sharon Buhr Valley City, ND

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Convention & Visitors Bureau

Mr. Chairman and members of the Transportation Committee. My name is Terri Thiel and I am the Executive Director of the Dickinson Convention & Visitors Bureau. I am in support of Senate Bill 2219.

The Business Logo Signs (a.k.a. Specific Service Signs) provide travelers with business identification and directional information for essential motorists services. As you have heard from the testimony today, the logo signs are a valuable tool that many states, not only around us, but also on each coast of the United States have adopted. Missouri, Tennessee, Pennsylvania, Kentucky, Minnesota, Michigan, New York, Ohio, Maryland, New Jersey, California and Hawaii are just a few of the states that I have found on the Internet that give information on their logo sign programs.

The Minnesota Statutes 2002 web site that I have hand out to you addresses some of the same issues that have been talked about today. Is there any money allocated to the program? No, this project is administered and paid for completely by the participating businesses. No state or federal highway funds are appropriated to the program. I'm not a "nationally recognized" business. Is this program something I should consider? Definitely! The logo program provides small businesses that qualify for eligibility with an affordable opportunity to compete with the "big guys".

Customer service is THE name of the game. Our hotels, restaurants, gas stations and campgrounds are in the hospitality industry. Logo signs provide customers, the traveler, information that conveys the services that the automobile driver is looking for.

Billboards do a wonderful job and definitely have their place, but they are not able to be stacked next to each other at all exits, where the logo signs can do that. Logo signs are not a replacement for billboard advertising, but merely another tool for not only a business to advertise, but also for the consumer to use as information. Recently I spoke at a conference in Glendive, MT. Earlier in the day I made a hotel reservation and drove into Glendive at approximately 6 pm. It was very dark at that time and I was unfamiliar with the directions to the hotel until I recognized the hotel's logo on their blue logo sign. I knew immediately where to turn to drive to my reservation. This was extremely helpful since I had not been to Glendive in quite a while, and I was not looking forward to searching for this hotel upon entering the community in the dark.

You are going to hear from the opposition about how this has been studied to death here at the legislature, you are going to hear about the beautification act of 1964. You are going to hear that Federal regulations are difficult and that in North Dakota it is flat and

72 East Museum Drive Dickinson, North Dakota 58601 Web Site: www.dickinsoncvb.com

and a surply

Phone: (701) 483-4988 (800) 279-7391 Fax: (701) 483-9261 E-mail: cvb@dickinsoncvb.com

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since the big signs that are available, that we don't need the smaller signs and you will hear that smaller towns such as Hatton or Mayville can't compete with the logo signs. Well, at least 46 other states, rural and urban, must have figured something out that works.

As North Dakota approaches the Lewis & Clark Celebration, our state needs to be ready to provide the information that our out of state visitors are accustomed to using. We need to be ready to direct the Lewis & Clark tourists to the hospitality services in our towns. Our State Parks are preparing, our ND Tourism Department is preparing, our CVB's are preparing, our small towns are preparing, our Native Americans are preparing, our legislature is preparing. Will our highways be prepared for the Lewis & Clark Celebration and beyond?

Thank you

Terri Thiel

Executive Director Dickinson CVB

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Minnesota Statutes 2002, Table of Chapters

Table of contents for Chapter 160

160.80 Sign franchise program.

- Subdivision 1. Commissioner may establish program.

 (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, and lodging, for the benefit of the motoring public.
- (b) The sign franchise program must include urban interstate highways.
- Subd. la. Eligibility criteria for business panels.

 (a) To be eligible for a business panel on a logo sign panel, a business establishment must:
 - (1) be open for business;
- (2) have a sign on site that both identifies the business and is visible to motorists;
- (3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;
- (4) not impose a cover charge or otherwise require customers to purchase additional products or services; and
 - (5) meet the appropriate criteria in paragraphs (b) to (e).
- (b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.
- (c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ten hours a day, seven days a week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; serve meals prepared on the premises; and possess any required state or local licensing or approval. Reheated, prepackaged, ready-to-eat food is not "food prepared on the premises." Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day, seven days a week, during their months of operation.
- (d) Lodging businesses must include sleeping accommodations, provide public access to a telephone, and possess any required state or local licensing or approval.
- (e) Camping businesses must include sites for camping, include parking accommodations for each campsite, provide

http://www.revisor.leg.state.mn.us/stats/160/80.html

1/29/2003

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sanitary facilities and drinking water, and possess any required state or local licensing or approval.

- (f) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.
- (g) Seasonal businesses must indicate to motorists when they are open for business by either putting the full months of operation directly on the business panel or by having a "closed" plaque applied to the business panel when the business is closed for the season.
- (h) The maximum distance that an eligible business in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county can be located from the interchange is: for gas businesses, one mile; for food businesses, two miles; for lodging businesses, three miles; and for camping businesses, ten miles.
- (i) The maximum distance that an eligible business in any other county can be located from the interchange shall not exceed 15 miles in either direction.
- (j) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: camping, lodging, food, gas.
- (k) If there is insufficient space on a logo sign panel to display all eligible businesses for a specific type of service, the businesses closest to the interchange have priority over businesses farther away from the interchange.
- Subd. 2. Franchises. The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, and camping facilities. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, and camping facilities for the general public, and lease advertising space on the signs to operators of these facilities.
- Subd. 3. Costs. All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.
- Subd. 4. Contract requirements. (a) All contracts made by the commissioner with a franchisee must provide for:
- (1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly

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insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

- (2) reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.
- (b) The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.
- Subd. 5. Restrictions. The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds.

Subd. 6. Repealed, 1988 c 629 s 64

HIST: 1984 c 417 s 12; 1986 c 444; 1993 c 128 s 1; 1998 c 403 s 8,9

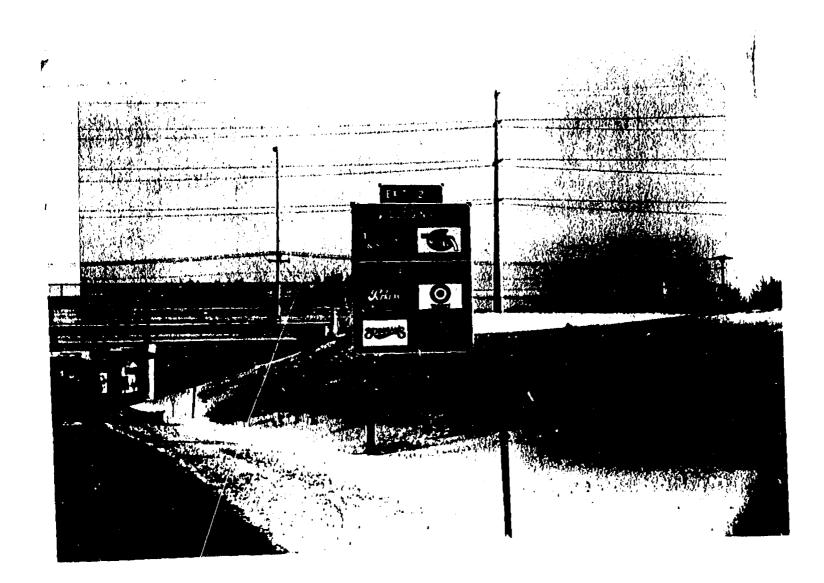
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Operator's Signature