

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE CONCURRENT
RESOLUTION NO. 1076

By: Leist of the House

and

Shurden of the Senate

AS INTRODUCED

A Concurrent Resolution memorializing the United States Congress to review the impact of the Highway Beautification Act of 1965 on certain businesses; requesting Congress to add or expand certain exemption and to repeal certain provisions of Highway Beautification Act of 1965; and directing distribution.

WHEREAS, in order to promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the federal interstate and primary highway system in this country, the United States Congress enacted the Highway Beautification Act of 1965 to control the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to such highways; and

WHEREAS, this federal legislation controls the size, location, and type of outdoor advertising signs permitted adjacent to the federal interstate and primary highway system; and

WHEREAS, this state adopted similar legislation known as the Highway Advertising Control Act of 1972 to assist in the implementation of the federal legislation; and

WHEREAS, the federal act contains an enforcement mandate for which states are severely and harshly penalized for failure to enforce the provisions of the federal act; and

WHEREAS, the United States Congress adopted the Intermodal Surface Transportation Efficiency Act of 1991 which reinforced the federal mandate established in the Highway Beautification Act; and

WHEREAS, the severe penalties contained in the federal act for this state amount to the loss of ten percent (10%) of federal highway construction and maintenance monies; and

WHEREAS, this state has been enforcing the act in accordance with the federal law but the enforcement has been determined to create a severe hardship on many small businesses and other organizations in this state; and

WHEREAS, the majority of the federal interstate and primary highway system in this state is located in the rural areas and because of the rural nature of this state, most small businesses rely on highway advertising to bring customers to their place of business; and

WHEREAS, the provisions of the federal legislation are overly burdensome and have caused undue economic hardship on small businesses in this state, especially in the rural areas; and

WHEREAS, the backbone of the economy of this state is the small business and continued enforcement of the federal act could prove disastrous to this state's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature memorializes the United States Congress to review the Highway Beautification Act and the impact this act has on small businesses.

THAT the Oklahoma Legislature memorializes the United States Congress to add or expand exemptions to the Highway Beautification

Act and to repeal the overly burdensome penalty provisions and mandates of the act.

THAT copies of this resolution be distributed to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to the members of the Oklahoma Congressional Delegation.

45-2-9601

JAF