

borrowed to carry out said purpose, not exceeding \$300,000 over and above the amount of bonds authorized by said chapter 532 to be issued. The bonds herein authorized shall be issued, sold and secured and the proceeds thereof shall be used and accounted for in the same manner as the bonds authorized by said chapter 532.

Sec. 24. In the case of appropriations made for construction or other permanent improvement, including acquisition of real estate, equipment, repair, rehabilitation, appurtenances or utility systems, which appropriations do not lapse until the purposes for which the appropriations were made shall have been accomplished or abandoned, the commissioner of administration may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

Sec. 25. If moneys are appropriated during the same or different sessions of the legislature for the same or related projects, which appropriations do not lapse until the purposes for which the appropriations were made shall have been accomplished or abandoned, the state auditor shall, upon the certification of the commissioner of administration as to the accounts involved, make such transfers of appropriations as will place in one account all of the moneys appropriated for the same or related projects.

Sec. 26. This act is in effect from and after its final enactment.

Approved May 29, 1967.

EXTRA SESSION

CHAPTER 9—S. F. No. 1

[Coded in Part]

An act relating to advertising devices and other signs and structures along the interstate and trunk highway systems, amending Minnesota Statutes 1965, Sections 173.02, Subdivision 5, and by adding a subdivision; 173.04, Subdivisions 1, 2, 3, 4, and 6; 173.06, Subdivision 1; 173.08; 173.09; 173.13, Subdivisions 3, 4, 6, 7; 173.15; 173.16; 173.17 and by adding a subdivision; 173.19; 173.32, Subdivision 5, and by adding a subdivision; 173.34, Subdivisions 1, 2, 3, and 5; 173.36, Subdivision 1; 173.38; 173.39; 173.42; 173.43, Subdivisions 3, 5, 7, and 8; 173.45; 173.46; 173.47 and by adding a subdivision; 173.48; 173.49.

Be it enacted by the Legislature of the State of Minnesota:

Changes or additions indicated by italics, deletions by strikeout.

Section 1. Minnesota Statutes 1965, Section 173.02, Subdivision 5 is amended to read:

Subd. 5. **Highways; advertising devices.** "Scenic area board" means a board consisting of the commissioner of highways, commissioner of business development, commissioner of conservation, and director of Minnesota historical society.

Sec. 2. Minnesota Statutes 1965, Section 173.02, is amended by adding a new subdivision to read:

Subd. 6. Directional and other official signs and notices shall mean:

(a) Official signs and notices mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or non-profit historical societies may be considered official signs.

(b) Public utility signs mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(c) Service club and religious notices mean signs and notices, not exceeding eight square feet in advertising area, unless a larger sign is in place as of the effective date of this act, whose erection is authorized by law, relating to meetings and location of non-profit service clubs or charitable associations, or religious services.

(d) Directional signs means publicly owned signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, education, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

Sec. 3. Minnesota Statutes 1965, Section 173.04, Subdivision 1 is amended to read:

Subd. 1. There is hereby created a board to be known as the scenic area board. The board shall consist of the commissioner of highways, commissioner of business development, commissioner of conservation, and director of Minnesota historical society.

Changes or additions indicated by italics, deletions by strikeout.

Sec. 4. Minnesota Statutes 1965, Section 173.04, Subdivision 2 is amended to read:

Subd. 2. The commissioner of highways, after consultation with the scenic area board, may *by rules and regulations issued pursuant to chapter 15* establish scenic areas adjacent to the interstate system of highways. Such scenic areas shall be located outside of the then existing boundaries of cities, villages, and boroughs, and shall not include areas then zoned for commercial or industrial purposes. *Permits for existing advertising devices not in violation of this act shall be granted until such devices are paid for, but no new advertising devices may be erected within the area after the scenic area has been established by rule and regulation. A scenic area will exist when the rights thereto have been acquired by the state.*

Sec. 5. Minnesota Statutes 1965, Section 173.04, Subdivision 3, is amended to read:

Subd. 3. The scenic area board may recommend that the commissioner of highways establish an area adjacent to a route of the interstate system of highways as a scenic area when it deems such area to be of scenic interest. Such area may include in part, but shall not be limited to, areas containing national, state, or local parks, historic sites and monuments, and picnic, rest, or recreation areas maintained by the public.

The commissioner of highways may acquire scenic easements in such areas to preserve the natural scenic beauty of that area and its visibility from the highway, and the rights so acquired may require the removal, by the owner of the land, of any structure necessary to accomplish these purposes. Advertising devices shall be removed only in accordance with this chapter, and the commissioner shall not require the removal of residences, farm buildings or other buildings of a substantial nature. Whenever practicable, the scenic easements acquired herein shall provide that the land may be used for agricultural, horticultural, forest, grazing, residential, or other purposes not inconsistent with the scenic purposes for which the easement was acquired.

Sec. 6. Minnesota Statutes 1965, Section 173.04, Subdivision 4, is amended to read:

Subd. 4. Any scenic area established under this section ~~shall extend at least 660 feet beyond the edge of the right-of-way of a route on the interstate system along which said scenic area is established.~~ *may extend such distance beyond the edge of the right-of-way of the interstate system of highways as the commissioner shall deter-*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

mine is reasonably necessary for the fulfillment of the purposes and objectives of sections 173.01 to 173.11.

Sec. 7. Minnesota Statutes 1965, Section 173.04, Subdivision 6, is amended to read:

Subd. 6. The commissioner of highways has the authority to do all things necessary to obtain any federal moneys that may be available for the planning, establishing, and acquiring of scenic areas *and scenic easements* along the interstate system of highways.

Sec. 8. Minnesota Statutes 1965, Section 173.06, Subdivision 1 is amended to read:

Subd. 1. The commissioner of highways ~~may from time to time shall~~ adopt, *and may* modify, amend or repeal regulations governing the issuance of permits or renewals thereof for the erection and maintenance of advertising devices within scenic areas; provided that he shall not adopt, modify, amend or repeal any regulation that will impair any agreement with the federal government. The commissioner of highways may limit the application of any regulation adopted by him to exclude or include in whole or in part, specified areas within the scenic area based upon use, nature of the surrounding community, or such other factors as may make separate classification or regulation necessary or desirable.

Sec. 9. Minnesota Statutes 1965, Section 173.08, is amended to read:

173.08 **Excluded devices.** The commissioner of highways by regulation may exclude from coverage advertising devices which he finds do not interfere with the purposes and objectives set forth in sections 173.01 to 173.11, including but not limited to:

(1) Advertising devices which are to be erected or maintained on property for the purposes of setting forth or indicating:

(a) The name and address of the owner, lessee, or occupant of such property;

(b) The name or trade name of the business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) Advertising devices of which the advertising copy is in no part visible from any traveled portion of the aforesaid highways;

(3) Advertising devices indicating the sale or lease of the property upon which they are placed; and

Changes or additions indicated by italics, deletions by ~~strikeout~~.

(4) Directional or other official signs and ~~signals~~ *notices* erected or maintained by the state or other public agency having jurisdiction;

(5) *Service club and religious notices.*

It is the intent of the legislature that no fee shall be charged for any permit that the commissioner of highways may require for advertising devices specified in subclauses 1 through 4 5 of this section.

Sec. 10. Minnesota Statutes 1965, Section 173.09, is amended to read:

173.09 **Violations, remedies.** Any advertising device in place within a scenic area four months after the property rights for such area have been acquired which is in violation of sections 173.01 to 173.11 or any regulation issued or adopted thereunder, is hereby declared to be a public nuisance, *illegal and nonconforming* and may be abated in the manner prescribed by law for the abatement of public nuisances; *or the commissioner may enter upon the land and remove the sign.*

Sec. 11. Minnesota Statutes 1965, Section 173.13, Subdivision 3 is amended to read:

Subd. 3. The commissioner of highways may limit the size of any advertising device to ~~400~~ *650* square feet in area, but no such size limitation shall apply to require the reduction in size of any advertising device in place on May 26, 1965.

Sec. 12. Minnesota Statutes 1965, Section 173.13, Subdivision 4, is amended to read:

Subd. 4. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$2;

(2) If the advertising area exceeds 50 square feet but does not exceed ~~200~~ *300* square feet, the fee shall be \$5;

(3) If the advertising area exceeds ~~200~~ *300* square feet, the fee shall be \$8;

(4) *No fee shall be charged for a permit for directional and other official signs and notices as they are defined in section 173.02.*

Sec. 13. Minnesota Statutes 1965, Section 173.13, Subdivision 6, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Subd. 6. Permits shall expire on the last day of ~~December~~ *June* of each year. They may be renewed upon payment of the annual fee and without the filing of a new application. Fees for 1966 shall be prorated on a calendar year basis and thereafter shall not be prorated. There shall be no additional fee for change in advertising copy.

Sec. 14. Minnesota Statutes 1965, Section 173.13, Subdivision 7, is amended to read:

Subd. 7. A penalty of \$2 shall be charged upon failure to pay such fee for renewal on or before ~~January 2~~ *July 10* of each year.

Sec. 15. Minnesota Statutes 1965, Section 173.15 is amended to read:

173.15 **Prohibited devices.** ~~From and after May 26, 1965;~~ ~~no~~ *No* advertising device shall be in place:

(1) Which purports to be or resembles an official traffic control device, *sign, or signal*, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, *sign, or signal*, or railroad sign or signal, *or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet;*

(2) Which prominently displays the word "stop" or "danger";

(3) Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency;

(4) On any right-of-way of the interstate system of highways, *except as otherwise provided by law or allowed by the commissioner;*

(5) On private land without the consent of the owner or occupant thereof;

(6) On trees, shrubs, *or which are painted or drawn upon rocks or natural features*, or on public utility poles;

(7) Which has flashing or moving lights *so designed or lighted as to be a traffic hazard;*

(8) To which access can be obtained only from the highway;

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(9) *Which are structurally unsafe, in disrepair, or are abandoned.*

Sec. 15A. Minnesota Statutes 1965, Section 173.16 is amended to read:

173.16 Prohibited locations. From and after May 26, 1965, no advertising device shall be erected:

(1) Which would prevent any traveler on any highway of the interstate system of highways from obtaining a clear view of approaching vehicles on the same highway for a distance of 500 feet along the highway;

(2) Which would be closer than 500 feet from the intersection of any trunk highway at grade with another highway, or with a railroad; provided, that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself;

(3) In or within 500 feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas;

(4) Within 100 feet of a church or school;

(5) Which is closer than ~~5100~~ 3000 feet to any other advertising device on the same side of such highway; provided that advertising devices, advertising communities, industries, or other activities being conducted within ~~400~~ 200 miles of such devices are permitted to be erected and maintained as close as ~~4700~~ 1300 feet to any other advertising device on the same side of such highway.

Sec. 16. Minnesota Statutes 1965, Section 173.17, is amended to read:

173.17 Removal of devices. *Subdivision 1. Time for removal.* Any advertising device lawfully erected before May 26, 1965 and not conforming to the provisions of section 173.16 with respect to distance, spacing or location shall be removed by its owner on or before July 1, 1969.

Subd. 2. Enforcement. *Notwithstanding the provisions of section 173.21, any advertising device which is*

(1) erected or maintained contrary to the provisions of section 173.15 or any regulations issued or adopted thereunder, or an order of the commissioner with respect thereto; or

Changes or additions indicated by italics, deletions by ~~strikeout~~.

- (2) *for which no permit has been obtained; or*
- (3) *for which the permit has been revoked; or*
- (4) *which is abandoned*

is hereby declared to be a public nuisance, illegal and non-conforming, and the commissioner may enter upon the land where the sign is located and may remove or destroy such sign after a hearing as provided by law and after 30 days notice to the owner and permittee thereof, if known. No compensation shall be paid for any sign so removed or destroyed, and the commissioner may collect the cost of removal or destruction from the person erecting or maintaining such advertising device.

Sec. 17. Minnesota Statutes 1965, Section 173.19, is amended to read:

173.19 Exemptions. The following advertising devices are exempt from the provisions of sections 173.13 to 173.24:

(1) Advertising devices which are erected or are to be erected or maintained on property for the purposes of setting forth or indicating:

(a) The name and address of the owner, lessee, or occupant of such property;

(b) The name or type of business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) Advertising devices of which the advertising copy is in no part visible from any traveled portion of the aforesaid highways;

(3) Advertising devices indicating the sale or lease of the property upon which they are placed; and

(4) Directional or other official signs and ~~signals~~ *notices* erected or maintained by the state or other public agency having *jurisdictions*;

(5) *Service club and religious notices, except that a permit, without a fee therefor, shall be required.*

Spacing requirements, as set forth in section 173.16 are not applicable between exempt advertising devices and non-exempt advertising devices.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

TRUNK HIGHWAYS

Sec. 18. Minnesota Statutes 1965, Section 173.32, Subdivision 5 is amended to read:

Subd. 5. "Scenic area board" means a board consisting of the commissioner of highways, commissioner of business development, commissioner of conservation, and director of Minnesota historical society.

Sec. 19. Minnesota Statutes 1965, Section 173.32, is amended by adding a new subdivision to read:

Subd. 6. *Directional and other official signs and notices shall mean:*

(a) *Official signs and notices mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or non-profit historical societies may be considered official signs.*

(b) *Public utility signs mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.*

(c) *Service club and religious notices mean signs and notices, not exceeding eight square feet in advertising area, unless a larger sign is in place as of the effective date of this act, whose erection is authorized by law, relating to meetings and location of non-profit service clubs or charitable associations, or religious services.*

(d) *Directional signs means publicly owned signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, education, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.*

Sec. 20. Minnesota Statutes 1965, Section 173.34, Subdivision 1 is amended to read:

Subd. 1. There is hereby created a board to be known as the scenic area board. The board shall consist of the commissioner of highways, commissioner of business development, commissioner of conservation, and director of Minnesota historical society.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 21. Minnesota Statutes 1965, Section 173.34, Subdivision 2 is amended to read:

Subd. 2. The commissioner of highways, after consultation with the scenic area board, may *by rules and regulations issued pursuant to chapter 15* establish scenic areas adjacent to the interstate system of highways. Such scenic areas shall be located outside of the then existing boundaries of cities, villages, and boroughs, and shall not include areas then zoned for commercial or industrial purposes. *Permits for existing advertising devices not in violation of this act shall be granted until such devices are paid for, but no new advertising devices may be erected within the area after the scenic area has been established by rule and regulation. A scenic area will exist when the rights thereto have been acquired by the state.*

Sec. 22. Minnesota Statutes 1965, Section 173.34, Subdivision 3, is amended to read:

Subd. 3. The scenic area board may recommend that the commissioner of highways establish an area adjacent to a route of the trunk highway system as a scenic area when it deems such area to be of scenic interest. Such area may include in part, but shall not be limited to, areas containing national, state, or local parks, historic sites and monuments, and picnic, rest, or recreation areas maintained by the public.

The commissioner of highways may acquire scenic easements in such areas to preserve the natural scenic beauty of that area and its visibility from the highway, and the rights so acquired may require the removal, by the owner of the land, of any structure necessary to accomplish these purposes. Advertising devices shall be removed only in accordance with this chapter, and the commissioner shall not require the removal of residences, farm buildings or other buildings of a substantial nature. Whenever practicable, the scenic easements acquired herein shall provide that the land may be used for agricultural, horticultural, forest, grazing, residential, or other purposes not inconsistent with the scenic purposes for which the easement was acquired.

Sec. 23. Minnesota Statutes 1965, Section 173.34, Subdivision 5, is amended to read:

Subd. 5. The commissioner of highways has the authority to do all things necessary to obtain any federal moneys that may be available for the planning, establishing, and acquiring of scenic areas and scenic easements along trunk highways.

Sec. 24. Minnesota Statutes 1965, Section 173.36, Subdivision 1 is amended to read:

Changes or additions indicated by italics, deletions by strikeout.

Subdivision 1. The commissioner of highways ~~may from time to time shall~~ adopt, ~~and may~~ modify, amend, or repeal regulations governing the issuance of permits or renewals thereof for the erection and maintenance of advertising devices within scenic areas; provided that he shall not adopt, modify, amend or repeal any regulation that will impair any agreement with the federal government. The commissioner of highways may limit the application of any regulation adopted by him to exclude or include in whole or in part, specified areas within the scenic area based upon use, nature of the surrounding community, or such other factors as may make separate classification or regulation necessary or desirable.

Sec. 25. Minnesota Statutes 1965, Section 173.38, is amended to read:

173.38 **Excluded devices.** The commissioner of highways by regulation may exclude from coverage advertising devices which he finds do not interfere with the purposes and objectives set forth in sections 173.31 to 173.41, including but limited to:

(1) Advertising devices which are to be erected or maintained on property for the purposes of setting forth or indicating:

(a) The name and address of the owner, lessee, or occupant of such property;

(b) The name or trade name of the business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) Advertising devices of which the advertising copy is in no part visible from any traveled portion of the aforesaid highways;

(3) Advertising devices indicating the sale or lease of the property upon which they are placed; and

(4) Directional or other official signs and ~~signals notices~~ erected or maintained by the state or other public agency having jurisdiction;

(5) *Service club and religious notices.*

It is the intent of the legislature that no fee shall be charged for any permit that the commissioner of highways may require for advertising devices specified in subclauses 1 through 4 5 of this section.

Sec. 26. Minnesota Statutes 1965, Section 173.39, is amended to read:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

173.39 **Violations, remedies.** Any advertising device in place within a scenic area four months after the property rights for such area have been acquired which is in violation of sections 173.31 to 173.41 or any regulation issued or adopted thereunder, is hereby declared to be a public nuisance, *illegal and non-conforming* and may be abated in the manner prescribed by law for the abatement of public nuisances; *or the commissioner may enter upon the land and remove the sign.*

Sec. 27. Minnesota Statutes 1965, Section 173.42 is amended to read:

173.42 **Application.** Sections 173.31 and 173.32 and sections 173.43 to 173.54 shall apply to areas along or adjacent to the trunk highway system except scenic areas provided for in sections 173.31 to 173.41, and except ~~existing~~ *within* boundaries of cities, villages and boroughs and areas, zoned for commercial or industrial purposes. Nothing in sections 173.43 to 173.54 shall be construed to limit any of the provisions of sections 173.31 to 173.41.

Sec. 28. Minnesota Statutes 1965, Section 173.43, Subdivision 3 is amended to read:

Subd. 3. The commissioner of highways may limit the size of any advertising device to ~~400~~ *650* square feet in area, but no such size limitation shall apply to require the reduction in size of any advertising device in place on the date of enactment of this act.

Sec. 29. Minnesota Statutes 1965, Section 173.43, Subdivision 5, is amended to read:

Subd. 5. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$2.

(2) If the advertising area exceeds 50 square feet but does not exceed ~~200~~ *300* square feet, the fee shall be \$5;

(3) If the advertising area exceeds ~~200~~ *300* square feet, the fee shall be ~~\$10~~ *\$8*;

(4) *No fee shall be charged for a permit for directional and other official signs and notices as they are defined in section 173.02.*

Sec. 30. Minnesota Statutes 1965, Section 173.43, Subdivision 7, is amended to read:

Subd. 7. Permits shall expire on the last day of ~~December~~

Changes or additions indicated by italics, deletions by strikeout.

June of each year. They may be renewed upon payment of the annual fee and without the filing of a new application. Fees for 1966 shall be prorated on a calendar year basis and thereafter shall not be prorated. There shall be no additional fee for change in advertising copy.

Sec. 31. Minnesota Statutes 1965, Section 173.43, Subdivision 8, is amended to read:

Subd. 8. A penalty of \$2 shall be charged upon failure to pay such fee for renewal on or before ~~January 2~~ *July 10* of each year.

Sec. 32. Minnesota Statutes 1965, Section 173.45 is amended to read:

173.45 **Prohibited devices.** ~~From and after May 26, 1965,~~ *no* No advertising device shall be in place:

(1) Which purports to be or resembles an official traffic control device, *sign, or signal*, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, *sign, or signal*, or railroad sign or signal, *or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet;*

(2) Which prominently displays the word "stop" or "danger";

(3) Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency;

(4) On any right-of-way of the interstate system of highways, *except as otherwise provided by law or allowed by the commissioner;*

(5) On private land without the consent of the owner or occupant thereof;

(6) On trees, shrubs, *or which are painted or drawn upon rocks or natural features*, or on public utility poles;

(7) Which has flashing or moving lights *so designed or lighted as to be a traffic hazard;*

~~(8) To which access can be obtained only from the highway.~~

(8) *Which are structurally unsafe, in disrepair, or are abandoned.*

Sec. 33. Minnesota Statutes 1965, Section 173.46, is amended to read:

Changes or additions indicated by italics, deletions by strikeout.

173.46 **Prohibited locations.** From and after May 26, 1965, no advertising device shall be erected; *or maintained:*

(1) Which would prevent any traveler on any trunk highway from obtaining a clear view of approaching vehicles on the same highway for a distance of 500 feet along the highway;

(2) Which would be closer than 300 feet from the intersection of any trunk highway at grade with another highway, or with a railroad; provided, that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself;

(3) In or within 500 feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas;

(4) Within 100 feet of a church or school;

(5) Which is closer than ~~3200~~ 1700 feet to any other advertising device on the same side of such highway; provided that advertising devices, advertising communities, industries, or other activities being conducted within ~~400~~ 200 miles of such devices are permitted to be erected and maintained as close as 800 feet to any other advertising device on the same side of such highway.

(6) *Which is positioned or located in any lake, stream or drainage channel, or below the flood water level of any lake, stream or drainage channel where the advertising device might be deluged by flood waters and swept under or against the supporting elements of any highway structure crossing the lake, stream or drainage channel.*

Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways. Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting.

Sec. 34. Minnesota Statutes 1965, Section 173.47, is amended to read:

173.47 **Removal of devices.** *Subdivision 1. Time for removal.* Any advertising device lawfully erected before May 26, 1965 and not conforming to the provisions of section 173.46 with respect to distance, spacing or location shall be removed by its owner on or before July 1, 1969.

Subd. 2. Enforcement. *Notwithstanding the provisions of section 173.51, any advertising device which is*

Changes or additions indicated by italics, deletions by strikeout.

(1) *erected or maintained contrary to the provisions of section 173.45 or any regulations issued or adopted thereunder, or an order of the commissioner with respect thereto; or*

(2) *for which no permit has been obtained; or*

(3) *for which the permit has been revoked; or*

(4) *which is abandoned*

is hereby declared to be a public nuisance, illegal and non-conforming, and the commissioner may enter upon the land where the sign is located and may remove or destroy such sign after a hearing as provided by law and after 30 days notice to the owner and permittee thereof, if known. No compensation shall be paid for any sign so removed or destroyed, and the commissioner may collect the cost of removal or destruction from the person erecting or maintaining such advertising device.

Sec. 35. Minnesota Statutes 1965, Section 173.48, is amended to read:

173.48 Adjustments between owners as to spacing. If two or more advertising devices erected before May 26, 1965 are in violation of the spacing requirements as herein provided, the commissioner of highways shall notify the owners of such devices and give such owners full opportunity to be heard. He shall thereafter make a finding as to the date of erection of each of the devices. The device or devices last erected shall be deemed nonconforming and shall be removed by the owner or owners not later than **January July 1, 1969.**

Sec. 36. Minnesota Statutes 1965, Section 173.49, is amended to read:

173.49 Exemptions. The following advertising devices are exempt from the provisions of sections 173.43 to 173.54:

(1) Advertising devices which are erected or are to be erected or maintained on property for the purposes of setting forth or indicating:

(a) The name and address of the owner, lessee, or occupant of such property;

(b) The name or type of business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(2) Advertising devices of which the advertising copy is in no part visible from any traveled portion of the aforesaid highways;

(3) Advertising devices indicating the sale or lease of the property upon which they are placed; and

(4) Directional or other official signs and ~~signals~~ notices erected or maintained by the state or other public agency having jurisdiction;

(5) *Service club and religious notices, except that a permit, without a fee therefor, shall be required.*

Spacing requirements, as set forth in section 173.46 are not applicable between exempt advertising devices and non-exempt advertising devices.

Approved May 29, 1967.

EXTRA SESSION

CHAPTER 10—S. F. No. 18

[Coded]

An act relating to insurance; regulating reinsurance and establishing filing requirements.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[60A.09] Insurance; regulation of reinsurance.** **[Subd. 6.] Bulk reinsurance, regulation.** **[(1)]** No bulk reinsurance agreement entered into by an insurance company, other than life insurance companies, having a capital and surplus or surplus of five million dollars or less, shall be used to reduce the liabilities or expense of the reinsured company until and unless the agreement has been filed with and approved by the commissioner. The commissioner will be deemed to have approved any agreement filed with him unless he notifies the insurance company of his disapproval within 30 days or requests a reasonable extension of time within such 30 days.

Sec. 2. **[(2)]** No filing shall be made pursuant to the foregoing section unless the reinsurance agreement be certified under oath by responsible officers of the reinsurer and the reinsured to contain the entire agreement between the parties to the reinsurance agreement. Misrepresentations contained in the reinsurance agreement or in any information supplied to the commissioner relative thereto shall be subject to the penalties for perjury.

Changes or additions indicated by italics, deletions by ~~strikeout~~.