

OUTDOOR UPDATE

Published quarterly by:

Missouri Outdoor Advertising Association

Winter 2012

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Protecting your Right to advertise On Missouri's Highways

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MOAA votes to pursue amended legislation

Members of the outdoor advertising association have unanimously supported an attempt to pass Missouri legislation that would allow MoDOT to relocate billboards displaced by highway construction. Since it generally costs 75% to 90% less to move an existing sign than to condemn and remove it, this legislation is estimated to save MoDOT tens of millions of dollars in construction costs over the next decade alone.

The proposed legislation also contains language that would reclassify existing signs which meet the requirements of the federal/state agreement on regulating outdoor advertising as "conforming out of standard" rather than nonconforming. Currently because of recent changes to state outdoor advertising regulations, more than 95% of existing signs are classified as "nonconforming" even though they complied with all regulations when built. The change in classification would allow the use of new technology such as LED lighting, digital displays and gas price signs which are not allowed on nonconforming signs.

Last years version of this legislation included language that prohibited the total ban of outdoor advertising by local governments. The Missouri Municipal League and various cities opposed this legislation in last years session. Though it passed the legislature with overwhelming support in both houses, it was vetoed by the governor who supported the right of local governments to ban billboards. The language addressing this issue has been removed and the Municipal League has agreed not to oppose this years bill. Since the legislation makes both the right to relocate or upgrade a sign subject to local approval, municipalities have no objection to its adoption in Missouri. Most cities are expected to actually support this years bill. It is likely most MoDOT construction for the foreseeable future will be joint state/local projects in which cities or counties agree to pay

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Outdoor industry to oppose Sales Tax Initiative

The Missouri Outdoor Advertising Association and its members have voted to oppose any initiative to replace Missouri's income tax with a substantial increase in state sales taxes. This initiative petition proposal which has primarily been backed by St. Louis businessman Rex Sinquefield is currently trying to gather enough signatures to place it on next years November ballot. The outdoor industry has agreed to support a coalition of educators, local governments, broadcasters, realtors and religious and social groups who have lined up in opposition to what is seen as a regressive tax that would primarily impact poor and middle class Missourians in order to benefit those wealthier people who spend a much lower percentage of their income on taxable goods. MOAA members felt the initiative proposal was regressive and could create huge budgetary problems for both the state and local governments because of the uncertainty of the revenue it would generate.

"Most unemployed and low income people don't pay state income taxes," said Chris Kirn, MOAA president. "Quadrupling the sales tax on food and other necessities during a time of high unemployment and a slow economy seems ill conceived at best," added Kirn.

In addition to encouraging its members to consider a financial contribution, MOAA will offer Public Service Advertising rates for advertising in opposition to the Sales Tax Initiative.

(Legislation continued)

a substantial amount of the construction costs. This legislation would give local governments the option of relocating existing signs to reduce the amount they must contribute. Senator Stouffer, who chairs the Senate Transportation committee, has agreed to sponsor the legislation in the Senate. Representative Eric Burlison will sponsor the identical House bill. Considering the support this legislation received in the legislature last year and the fact that the reason for the governor's veto has been eliminated, the chances of finally passing legislation vital to the outdoor industry seems good at this point.

Despite the fact that this years bill fails to address the issue of local prohibitions, the outdoor industry is by no means agreeing that cities should have the right to totally ban billboards or any other form of free speech. "Removal of the local control provision was just a recognition of the current political reality," said Bill May, MOAA executive director and general counsel. "We are discussing a cooperative effort to challenge local prohibitions in the courts based on Constitutional grounds and the existing statutory language," said May. The House and Senate bills are expected to be pre-filed before the session starts on January 6th.

MOAA elects new officers and directors

During elections held at the recent annual membership meeting, several new officers and directors were elected. Former Vice President/President Elect Chris Kirn with Lamar/Springfield assumed the role of President for 2012. Lynn Terlaga with Olympus Outdoor was elected as Vice President/President Elect. Steve Raper of Missouri Neon Company was reelected as Secretary/Treasurer. Eric Worden of Lamar/Hannibal and Mike Delich, V.P. at Waitt Outdoor were elected to two year terms on the Board of Directors. Existing members of the Board of Directors whose terms will continue are Bob Fessler of Lamar/Kansas City, Tony Mariani with DDI Media, John McWhirter with Lamar/Osage Beach and Brent Porlier of Porlier Outdoor.

Digital billboards have become valuable Crime fighting tools

In 2002, Roger Kemp's 19 year old daughter was abducted and killed. Though police had a suspect, no arrest had been made a year after the crime because police couldn't locate the suspect. Mr. Kemp was frustrated by the lack of justice and while out driving spotted a billboard along the highway. He decided to put up a billboard with the suspect's photo and name and offering a reward. He contacted Bob Fessler at Lamar in Kansas City. After hearing his story, Lamar agreed to donate space on digital signs in Kansas City. Sixteen months later, the suspect was arrested after drivers spotted the sign and contacted the police with information on where he was hiding. Since that time,

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Crime fighter Roger Kemp (left) with Lamar's V.P. Bob Fessler in front of one of the 15 donated "Baby Lisa" ads that have generated over 1000 calls and tips from the public.

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digital billboards have become a valuable tool for locating dangerous criminals nationwide. “Roger Kemp was a key catalyst of the modern application of the wanted billboard,” said Ken Klein, Vice President with the Outdoor Advertising Association of America. Local police departments as well as federal agencies such as the FBI and US Marshall’s office have come to rely on this particularly effective means to get dangerous criminals off the streets. Roger Kemp was also instrumental in arranging an agreement between digital billboard owners and the National Center for Missing and Exploited Children, allowing them to override the sign’s message with Amber Alerts and updates on missing children. The FBI reports their own numbers of fugitives caught because of digital billboards as at least 45 since they implemented the program. Donated billboard slots this year to the FBI’s use will total an estimated 40 million, according to the Outdoor Advertising Association of America.

Because so many law enforcement agencies are using digital billboards, it is impossible to know how many fugitives have been apprehended due to digital billboards. A national estimate of multiple hundreds would be conservative. Despite the tremendous success of Mr. Kemp and his brigades of digital billboards, he is not giving up his efforts. He recently convinced Lamar and other companies to put up 15 digital displays in the Kansas City area to help in locating two year old Baby Lisa who disappeared from her bedroom on October 3rd. Digital wanted posters are generally limited to fugitives who pose a danger to the public or children believed to be abducted. Digital billboard owners in St. Louis are preparing to post wanted ads on a serial pedophile wanted by the US Marshall’s office and local police.

In addition to donating digital space to law enforcement agencies, digital sign owners routinely provide space to agencies like FEMA in disaster areas. This year FEMA has benefitted from millions of dollars in donated space nationally. “Because of numerous natural disasters in Missouri this year, MOAA members have donated over \$300,000.00 in digital advertising to FEMA in Missouri to date,” said Bill May, MOAA executive director. “As the number of digital signs increases in the future, the benefits they provide to government agencies and the community will only expand,” added May.

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