

Reprint 4/8/55

SENATE FILE 441

BY COMMITTEE ON TRANSPORTATION

Formerly SSB 286
Approved 2/12/55 (7 166)

FILED MAR 13 1955

Passed Senate, Date April 8, 1955 (p. 1232) Passed House, Date _____

Vote: Ayes 43 Nays 3 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to payment of compensation to owners of off-
 2 premises advertising devices and to the owners of real
 3 property on which the advertising devices are located.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1777 to 441

1 Section 1. Section 306C.16, unnumbered paragraph 1, Code
2 1985, is amended to read as follows:

3 Compensation required by section 306C.15 or 306C.24 shall
4 be paid for the following:

5 Sec. 2. NEW SECTION. 306C.24 COMPENSATION FOR SIGN
6 REMOVAL.

7 1. DEFINITION. "Off-premises advertising device" means an
8 advertising device which does not advertise or give
9 information about a business or activity located upon the
10 premises where the advertising device is located and which
11 does not advertise the sale or lease of property on which the
12 device is located.

13 2. JUST COMPENSATION REQUIRED. A political subdivision of
14 this state shall not remove, take, or cause to be removed or
15 to be taken a lawfully erected off-premises advertising device
16 without paying just compensation in cash to the owner of the
17 advertising device and to the owner of the real property on
18 which the advertising device is located as provided in section
19 306C.16. This subsection applies whether or not an
20 amortization period relating to the device has previously
21 expired.

22 3. EXCEPTIONS. This section does not apply to the removal
23 or taking of an off-premises advertising device under any of
24 the following conditions:

25 a. The device is unlawfully erected.

26 b. The device is being maintained in violation of section
27 306C.19.

28 c. The device has been abandoned or not used for a period
29 of at least six months.

30 4. DEPARTMENT AUTHORIZATION. If contrary to subsection 2,
31 an off-premises advertising device is removed without the
32 payment of just compensation in cash after the effective date
33 of this Act by reason of an amortization provision in a zoning
34 ordinance of a political subdivision and just compensation for
35 the removal of the off-premises advertising device is required

1 by 23 U.S.C. § 131(g), the department may acquire and pay just
2 compensation as provided in section 306C.16 for the off-
3 premises advertising device removed. Notwithstanding section
4 306C.14, the department may first pay just compensation from
5 the highway beautification fund and then claim reimbursement
6 for the federal share of the payment from the federal
7 government.

8 EXPLANATION

9 This bill prohibits a political subdivision of the state
10 from removing, taking, or causing to be removed or taken a
11 lawfully erected off-premises advertising device without
12 paying just compensation in cash to the owner of the device
13 and to the owner of the real property on which the advertising
14 device is located.

15 The bill does not apply to a device which is unlawfully
16 erected, is being maintained in violation of section 306C.19,
17 or has been abandoned or not used for six months.

18 The bill also authorizes the state department of
19 transportation to acquire and pay just compensation for an
20 off-premises device which has been removed by a political
21 subdivision without just compensation being paid by reason of
22 an amortization provision in a zoning ordinance if just
23 compensation is required to be paid pursuant to federal law.

24 This bill creates and cites new section 306C.24.

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Amend the amendment S-3616 to Senate File 441 as follows:

1. Page 1, by striking lines 21 through 34.
2. Page 1, line 35, by striking the figure "5." and inserting the following: ""5.".

S-3656 Filed April 8, 1985

By DOYLE

w/a 4/2/85 (p. 1232)

S-3657

SENATE FILE 441

Amend the amendment S-3616 to Senate File 441 as follows:

1. Page 1, by striking lines 34 through 44, and inserting the following: "From the federal government."

S-3657 Filed April 8, 1985

By DOYLE

Adopted 4/8 (p. 1232)

S-3659

SENATE FILE 441

Amend the amendment S-3623 to Senate File 441 as follows:

1. Page 1, by inserting after line 20 the following:
 2. Page 2, by inserting after line 7 the following:
- " . SAVINGS CLAUSE. If any provision of this section is inconsistent, conflicts with or is not required by 23 U.S.C. §131, the provision shall be suspended but only to the extent necessary to eliminate the inconsistency, conflict or requirement. If any part of this section is found to be invalid or unconstitutional, such judgment shall not affect the validity of the section as a whole or any provision or part of the section not found to be invalid or unconstitutional."

S-3659 Filed April 8, 1985

By DOYLE

Adopted 4/8 (p. 1232)

1 Amend Senate File 441 as follows:

2 1. Page 1, line 26, by inserting after the word
3 "section" the words and figures "306C.18 or".

4 2. By striking page 1, line 30 through page 2,
5 line 7, and inserting the following:

6 "4. DEPARTMENT AUTHORIZATION. When required by 23
7 U.S.C. §131(g), the department may acquire through
8 purchase or condemnation and shall pay just
9 compensation as provided in section 306C.16 for off-
10 premise advertising devices removed after July 1,
11 1985, through amortization by an ordinance of a
12 political subdivision either enacted prior to the
13 devices becoming subject to either chapter 306B or
14 chapter 306C or enacted prior to July 1, 1985.
15 Notwithstanding the requirements of section 306C.14,
16 the department may first pay just compensation from
17 the highway beautification fund and then claim
18 reimbursement for the federal share of the payment
19 from the federal government."

S-3481 Filed March 26, 1985

By DOYLE

Placed o/a 4/8 (p. 1252)

S-3523

SENATE FILE 441

1 Amend Senate File 441 as follows:

2 1. Page 1, lines 18 and 19, by striking the words
3 "as provided in section 306C.16".

4 2. Page 1, by striking line 27 and inserting the
5 following: "306C.18."

6 3. By striking page 1, line 30 through page 2, line
7 7, and inserting the following:

8 "4. DEPARTMENT AUTHORIZATION. When required by 23
9 U.S.C. Sec. 131(g), the department may acquire through
10 purchase or condemnation and shall pay just compensation
11 as provided in section 306C.16 for off-premise
12 advertising devices removed after July 1, 1985, through
13 amortization by an ordinance of a political subdivision
14 either enacted prior to the devices becoming subject
15 to either chapter 306B or chapter 306C or enacted
16 prior to July 1, 1985. Notwithstanding the requirements
17 of section 306C.14, the department may first pay just
18 compensation from the highway beautification fund and
19 then claim reimbursement for the federal share of the
20 payment from the federal government."

S-3523 Filed March 27, 1985

By DOYLE

Adopted as amended by 3659 4/8 (p. 1232)

S-3616

SENATE FILE 441

1 Amend Senate File 441 as follows:

2 1. Page 1, by striking lines 13 through 21 and
3 inserting the following:

4 "2. JUST COMPENSATION REQUIRED. A political sub-
5 division of this state shall not remove, take, or
6 cause to be removed or to be taken a lawfully erected
7 off-premises advertising device subject to control
8 under chapter 306B or 306C for which just compensation
9 is required to be paid under 23 U.S.C. §131(g) without
10 paying just compensation in cash to the owner of the
11 advertising device and to the owner of the real
12 property on which the advertising device is located as
13 provided in section 306C.16. The sole intent of this
14 section is to comply with 23 U.S.C. §131(g) and it is
15 otherwise not the intent to in any manner relinquish
16 any powers of political subdivisions relating to the
17 control and removal of advertising devices under
18 police power."

19 2. By striking page 1, line 30 through page 2,
20 line 7 and inserting the following:

21 "4. DEPARTMENT AUTHORIZATION. When required by 23
22 U.S.C. §131(g), the department may acquire through
23 purchase or condemnation and shall pay just
24 compensation as provided in section 306C.16 for off-
25 premise advertising devices removed after July 1,
26 1984, through amortization by an ordinance of a
27 political subdivision either enacted prior to the
28 devices becoming subject to either chapter 306B or
29 chapter 306C or enacted prior to July 1, 1984.
30 Notwithstanding the requirements of section 306C.14,
31 the department may first pay just compensation from
32 the highway beautification fund and then claim
33 reimbursement for the federal share of the payment
34 from the federal government.

35 5. SAVINGS CLAUSE. If any provision of this
36 section is inconsistent, conflicts with or is not
37 required by 23 U.S.C. §131, the provision shall be
38 suspended but only to the extent necessary to
39 eliminate the inconsistency, conflict or requirement.
40 If any part of this section is found to be invalid or
41 unconstitutional, such judgment shall not affect the
42 validity of the section as a whole or any provision or
43 part of the section not found to be invalid or
44 unconstitutional."

S-3616 Filed April 3, 1985

By GENTLEMAN

A- *L. Lee* #2 (p. 1229)
B- *L. Lee* (p. 1232)

See Local Book 4/9/85

SENATE FILE 441

BY COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE APRIL 8, 1985)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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_____ = New Language
by the Senate
* = Language Stricken
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2 1985, is amended to read as follows:

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14 this state shall not remove, take, or cause to be removed or
15 to be taken a lawfully erected off-premises advertising device
16 without paying just compensation in cash to the owner of the
17 advertising device and to the owner of the real property on
18 which the advertising device is located. This subsection
19 applies whether or not an amortization period relating to the
20 device has previously expired.

21 3. EXCEPTIONS. This section does not apply to the removal
22 or taking of an off-premises advertising device under any of
23 the following conditions:

24 a. The device is unlawfully erected.

25 b. The device is being maintained in violation of section
26 306C.18.

27 c. The device has been abandoned or not used for a period
28 of at least six months.

29 4. DEPARTMENT AUTHORIZATION. When required by 23 U.S.C.
30 Sec. 131(g), the department may acquire through purchase or
31 condemnation and shall pay just compensation as provided in
32 section 306C.16 for off-premise advertising devices removed
33 after July 1, 1985, through amortization by an ordinance of a
34 political subdivision either enacted prior to the devices
35 becoming subject to either chapter 306B or chapter 306C or

1 enacted prior to July 1, 1985. Notwithstanding the
2 requirements of section 306C.14, the department may first pay
3 just compensation from the highway beautification fund and
4 then claim reimbursement for the federal share of the payment
5 from the federal government.

6 5. SAVINGS CLAUSE. If any provision of this section is
7 inconsistent, conflicts with or is not required by 23 U.S.C.
8 §131, the provision shall be suspended but only to the extent
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SSB 286

TRANSPORTATION: Doyle, Chair: Nystrom and Jensen

SSB 286

Transportation

SENATE/HOUSE FILE 441

BY (PROPOSED COMMITTEE ON TRANSPORTATION BILL)

New SF 441

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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24 This bill creates and cites new section 306C.24.

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