

Reprinted 4/87

FILED MAR 08 1967

SENATE FILE 312
BY COMMITTEE ON TRANSPORTATION
(formerly SSB 111)
Approved 3/3 (p. 537)

Passed Senate, Date 4-6-87 (1112) Passed House, Date _____
Vote: Ayes 43 Nays 5 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the state and its political subdivisions, under
2 certain circumstances, to pay compensation to owners of off-
3 premises advertising devices.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 312

1 Section 1. Section 306C.16, unnumbered paragraph 1, Code
2 1987, 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 or which does
11 not advertise the sale or lease of property on which the
12 device is located.

13 2. JUST COMPENSATION REQUIRED. The state or a political
14 subdivision of the state shall not remove, take, or cause to
15 be removed or to be taken, a lawfully erected off-premises
16 advertising device without paying just compensation in cash to
17 the owner of the advertising device and to the owner of the
18 real property on which the advertising device is located as
19 provided in section 306C.16.

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

23 a. The device is unlawfully erected.

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

26

EXPLANATION

27 This bill provides that the state or political subdivisions
28 of the state shall not remove, take, or cause to be removed or
29 to be taken, a lawfully erected off-premises advertising
30 device without paying just compensation in cash to the owner
31 of the advertising device and to the owner of the real
32 property on which the advertising device is located.

33 The bill requires cash payment to the owner of the
34 advertising device to compensate for all right, title,
35 leasehold, and interest in the advertising device. The bill

1 requires cash payment to the owner of the real property on
2 which the device is located to compensate for the right to
3 erect and maintain such advertising devices upon such real
4 property.

5 The bill does not apply to the removal or taking of off-
6 premises advertising devices which were unlawfully erected or
7 which are maintained without application for a permit to be
8 affixed to the advertising device under section 306C.18.

9 The bill creates and internally cites new section 306C.24.

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SENATE FILE 312

S-3419

1 Amend Senate File 312 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 306C.24 COMPENSATION
5 FOR SIGN REMOVAL.

6 1. DEFINITION. As used in this section, "off-
7 premise advertising device" means an advertising
8 device which does not qualify as an "on-premise sign"
9 under rules adopted by the department pursuant to
10 chapter 17A.

11 2. JUST COMPENSATION REQUIRED. Political
12 subdivisions of this state shall not remove, take, or
13 cause to be removed or taken, a lawfully erected off-
14 premise advertising device without paying just
15 compensation in cash to the owner of the advertising
16 device and to the owner of the real property on which
17 the advertising device is located. The department
18 shall not remove, take, or cause to be removed or to
19 be taken a lawfully erected off-premise advertising
20 device subject to control under chapter 306B or 306C
21 without paying just compensation when required under
22 23 U.S.C. § 131(g) to the owner of the advertising
23 device and to the owner of the real property on which
24 the advertising device is located as provided in
25 section 306C.16. For the department, the sole intent
26 of this section is to comply with 23 U.S.C. § 131(g)
27 and it is not the intent of this section to, in any
28 manner, relinquish any powers of the department
29 relating to the control and removal of advertising
30 devices under police power.

31 3. EXCEPTIONS. This section does not apply to the
32 removal or taking of an off-premise advertising device
33 under any of the following conditions:

34 a. The device is unlawfully erected or is being
35 maintained in violation of the provisions of section
36 306C.13, subsection 8, or section 306C.18.

37 b. The device has been abandoned or not used for a
38 period of at least six months.

39 4. DEPARTMENT AUTHORIZATION. When required by 23
40 U.S.C. § 131(g), the department may acquire through
41 purchase or condemnation and shall pay just
42 compensation as provided in section 306C.16 for off-
43 premise advertising devices removed after the
44 effective date of this Act through amortization by an
45 ordinance of a political subdivision enacted prior to
46 the effective date of this Act. Notwithstanding the
47 requirements of section 306C.14, the department may
48 first pay just compensation from the highway
49 beautification fund and then claim reimbursement for
50 the federal share of the payment from the federal

S-3419 pg. 2

1 government.

2 5. SAVINGS CLAUSE. If any provision of this
3 section which relates to the department is
4 inconsistent or conflicts with, or is not required by,
5 23 U.S.C. § 131 to avoid the loss of federal funds,
6 the provision shall be suspended but only to the
7 extent necessary to eliminate the inconsistency,
8 conflict or requirement. If any part of this section
9 is found to be invalid or unconstitutional, such
10 judgment shall not affect the validity of the section
11 as a whole or any provision or part of the section not
12 found to be invalid or unconstitutional."

S-3419

Filed April 6, 1987

BY DONALD E. GETTINGS

ADOPTED (j.iii)

SENATE FILE 312

S-3427

1 Amend the amendment, S-3419, to Senate File 312, as
2 follows:

3 1. Page 1, by striking lines 11 through 17 and
4 inserting the following:

5 "2. JUST COMPENSATION REQUIRED. The department or
6 a political subdivision".

7 2. Page 1, line 25, by striking the words "For
8 the department, the" and inserting the word "The".

9 3. Page 1, line 28, by striking the words "of the
10 department".

11 4. Page 1, by striking lines 45 and 46 and
12 inserting the following: "ordinance of a political
13 subdivision. Notwithstanding the".

14 5. Page 2, line 3, by striking the words "relates
15 to the department".

S-3427

Filed April 6, 1987

BY JEAN LLOYD-JONES

LOST (iii)

SENATE FILE 312

S-3220

1 Amend Senate File 312 as follows:

2 1. Page 1, line 16, by striking the word "device"
3 and inserting the following: "device, subject to
4 control under chapter 306B or 306C and for which
5 compensation is required to be paid under 23 U.S.C. §
6 131(g),".

7 2. Page 1, line 19, by inserting after the figure
8 "306C.16." the following: "The sole intent of this
9 section is to comply with 23 U.S.C. § 131(g), and it
10 is otherwise not intended that this section in any
11 manner relinquish any powers of political subdivisions
12 relating to the control and removal of advertising
13 devices through police power."

S-3220

Filed March 23, 1987

BY JEAN LLOYD-JONES

Placed o/c 4/6 (p. 111)

SENATE FILE 312

S-3282

1 Amend Senate File 312 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 306C.24 COMPENSATION
5 FOR SIGN REMOVAL.

6 1. DEFINITIONS. As used in this section:

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

13 b. "Just compensation" means payment in cash of
14 the fair market value of the advertising device, as
15 that term is used in section 471.5, and shall not be
16 paid through amortization, regardless of the length of
17 the amortization period.

18 2. JUST COMPENSATION REQUIRED. Political
19 subdivisions of this state shall not remove, take, or
20 cause to be removed or taken, a lawfully erected off-
21 premises advertising device without paying just
22 compensation to the owner of the advertising device
23 and to the owner of the real property on which the
24 advertising device is located.

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

28 a. The device is unlawfully erected, or is being
29 maintained in violation of section 306C.13, subsection
30 8, or section 306C.18.

31 b. The device has been abandoned, or is not used
32 for a period of at least six months.

33 4. DEPARTMENT AUTHORIZATION. Where required by 23
34 U.S.C. § 131 (g) the department shall pay just
35 compensation for off-premises advertising devices
36 required to be removed through amortization by a
37 zoning ordinance of a political subdivision enacted
38 prior to the devices becoming subject to chapters 306B
39 and 306C. This subsection applies only where a
40 political subdivision commenced litigation to cause
41 the removal of the devices prior to the effective date
42 of this Act, or the device is removed after the
43 effective date of this Act. Notwithstanding the
44 requirements of section 306C.14, the department may
45 first pay just compensation from the highway
46 beautification fund and then claim reimbursement from
47 the federal government for the federal share of the
48 payment."

S-3282

Filed March 26, 1987

3/25 4/6 (p. 1111)

BY DONALD E. GETTINGS

*Sen. Gray 4/7/87
Amend (3712) + D. Pass 4/10/87 (p. 1267)
Public Transportation 4/21/87
D. Pass 4/22/87 (p. 133)*

SENATE FILE 312
BY COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE APRIL 6, 1987)
ALL New Language by the Senate

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

A BILL FOR

1 An Act requiring the state and its political subdivisions, under
2 certain circumstances, to pay compensation to owners of off-
3 premises advertising devices.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 306C.24 COMPENSATION FOR SIGN
2 REMOVAL.

3 1. DEFINITION. As used in this section, "off-premise
4 advertising device" means an advertising device which does not
5 qualify as an "on-premise sign" under rules adopted by the
6 department pursuant to chapter 17A.

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

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

27 a. The device is unlawfully erected or is being maintained
28 in violation of the provisions of section 306C.13, subsection
29 8, or section 306C.18.

30 b. The device has been abandoned or not used for a period
31 of at least six months.

32 4. DEPARTMENT AUTHORIZATION. When required by 23 U.S.C. §
33 131(g), the department may acquire through purchase or
34 condemnation and shall pay just compensation as provided in
35 section 306C.16 for off-premise advertising devices removed

1 after the effective date of this Act through amortization by
2 an ordinance of a political subdivision enacted prior to the
3 effective date of this Act. Notwithstanding the requirements
4 of section 306C.14, the department may first pay just
5 compensation from the highway beautification fund and then
6 claim reimbursement for the federal share of the payment from
7 the federal government.

8 5. SAVINGS CLAUSE. If any provision of this section which
9 relates to the department is inconsistent or conflicts with,
10 or is not required by, 23 U.S.C. § 131 to avoid the loss of
11 federal funds, the provision shall be suspended but only to
12 the extent necessary to eliminate the inconsistency, conflict
13 or requirement. If any part of this section is found to be
14 invalid or unconstitutional, such judgment shall not affect
15 the validity of the section as a whole or any provision or
16 part of the section not found to be invalid or
17 unconstitutional.

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SENATE FILE 312

H-5165

1 Amend Senate File 312 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 17 the
4 following:

5 "Sec. ____ Section 422.43, subsection 11, Code
6 Supplement 1987, is amended to read as follows:

7 11. The following enumerated services are subject
8 to the tax imposed on gross taxable services:

9 Alteration and garment repair; armored car; automobile
10 repair; battery, tire and allied; investment
11 counseling; service charges of all financial
12 institutions; barber and beauty; boat repair; car wash
13 and wax; carpentry; roof, shingle, and glass repair;
14 dance schools and dance studios; dry cleaning,
15 pressing, dyeing, and laundering; electrical and
16 electronic repair and installation; rental of tangible
17 personal property, except mobile homes which are
18 tangible personal property; rental of billboard space,
19 excavating and grading; farm implement repair of all
20 kinds; flying service; furniture, rug, upholstery
21 repair and cleaning; fur storage and repair; golf and
22 country clubs and all commercial recreation; house and
23 building moving; household appliance, television, and
24 radio repair; jewelry and watch repair; machine
25 operator; machine repair of all kinds; motor repair;
26 motorcycle, scooter, and bicycle repair; oilers and
27 lubricators; office and business machine repair;
28 painting, papering, and interior decorating; parking
29 facilities; pipe fitting and plumbing; wood
30 preparation; licensed executive search agencies;
31 private employment agencies, excluding services for
32 placing a person in employment where the principal
33 place of employment of that person is to be located
34 outside of the state; sewing and stitching; shoe
35 repair and shoeshine; storage warehousing of raw
36 agricultural products; telephone answering service;
37 test laboratories, except tests on humans; termite,
38 bug, roach, and pest eradicators; tin and sheet metal
39 repair; turkish baths, massage, and reducing salons;
40 weighing; welding; well drilling; wrapping, packing,
41 and packaging of merchandise other than processed
42 meat, fish, fowl and vegetables; wrecking service;
43 wrecker and towing; cable television; campgrounds;
44 carpet and upholstery cleaning; gun and camera repair;
45 janitorial and building maintenance or cleaning; lawn
46 care, landscaping and tree trimming and removal; pet
47 grooming; reflexology; security and detective
48 services; tanning beds or salons; and water
49 conditioning and softening.

50 For purposes of this subsection, gross taxable

H-5165

Page Two

1 services from rental includes rents, royalties, and
2 copyright and license fees. For purposes of this
3 subsection, "financial institutions" means all
4 national banks, federally chartered savings and loan
5 associations, federally chartered savings banks,
6 federally chartered credit unions, banks organized
7 under chapter 524, savings and loan associations and
8 savings banks organized under chapter 534, and credit
9 unions organized under chapter 533."
10 2. Title page, line 3, by inserting after the
11 word "devices" the following: "and imposing the state
12 sales, services, and use taxes on the rental of
13 certain advertising devices".

H-5165 FILED FEBRUARY 24, 1988 BY CHAPMAN of Linn

SENATE FILE 312

H-3712

1 Amend Senate File 312, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. ____ . Section 306C.16, unnumbered paragraph
6 1, Code 1987, is amended to read as follows:

7 Compensation required by section 306C.15 or 306C.24
8 shall be paid for the following:"

9 2. Page 1, line 3, by striking the word "off-
10 premise" and inserting the word "off-premises".

11 3. Page 1, line 5, by striking the word "on-
12 premise" and inserting the word "on-premises".

13 4. Page 1, line 9, by striking the word "off-
14 premise" and inserting the word "off-premises".

15 5. Page 1, line 12, by inserting after the word
16 "located" the words "as provided in section 306C.16".

17 6. Page 1, line 14, by striking the word "off-
18 premise" and inserting the word "off-premises".

19 7. Page 1, line 25, by striking the word "off-
20 premise" and inserting the word "off-premises".

21 8. Page 1, line 35, by striking the word "off-
22 premise" and inserting the word "off-premises".

H-3712 FILED APRIL 10, 1987 BY COMMITTEE ON TRANSPORTATION

SENATE FILE 312

H-3764

1 Amend the Committee on Transportation amendment, H-
2 3712, to Senate File 312 as amended, passed and
3 reprinted by the Senate as follows:

4 1. Page 1, by striking lines 13 through 16 and
5 inserting the following:

6 " ____ . Page 1, by striking lines 7 through 12 and
7 inserting the following:

8 "2. JUST COMPENSATION REQUIRED. Political
9 subdivisions of this state and the department shall"."

10 2. Page 1, by inserting after line 18 the
11 following:

12 " ____ . Page 1, line 19, by striking the words "For
13 the department, the" and inserting the following:

14 "The".

15 ____ . Page 1, line 22, by inserting before the
16 word "department" the following: "political
17 subdivisions of this state and the"."

H-3764 FILED APRIL 14, 1987 BY NEUHAUSER of Johnson

SSB # 111
Transportation

Amended
SF 312

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL)

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

A BILL FOR

1 An Act requiring the state and its political subdivisions, under
2 certain circumstances, to pay compensation to owners of off-
3 premises advertising devices.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS
CHAIR: *Lettinga*
COMMITTEE: *Transportation*
2/16/87

1 Section 1. Section 306C.16, unnumbered paragraph 1, Code
2 1987, 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 or which does
11 not advertise the sale or lease of property on which the
12 device is located.

13 2. JUST COMPENSATION REQUIRED. The state or a political
14 subdivision of the state shall not remove, take, or cause to
15 be removed or to be taken, a lawfully erected off-premises
16 advertising device without paying just compensation in cash to
17 the owner of the advertising device and to the owner of the
18 real property on which the advertising device is located as
19 provided in section 306C.16.

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

23 a. The device is unlawfully erected.

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

26 EXPLANATION

27 This bill provides that the state or political subdivisions
28 of the state shall not remove, take, or cause to be removed or
29 to be taken, a lawfully erected off-premises advertising
30 device without paying just compensation in cash to the owner
31 of the advertising device and to the owner of the real
32 property on which the advertising device is located.

33 The bill requires cash payment to the owner of the
34 advertising device to compensate for all right, title,
35 leasehold, and interest in the advertising device. The bill

1 requires cash payment to the owner of the real property on
2 which the device is located to compensate for the right to
3 erect and maintain such advertising devices upon such real
4 property.

5 The bill does not apply to the removal or taking of off-
6 premises advertising devices which were unlawfully erected or
7 which are maintained without application for a permit to be
8 affixed to the advertising device under section 306C.18.

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