

February 4, 1965.

Senate File 192

Passed on File.

By HANSEN, HEYING, STANLEY, KIBBIE, LANGE and NIMS. (Dunton, Rider, Gillette of Story, Craig, Hausheer, Stokes, Smith of O'Brien and Strothman.)

transportation 2/8  
returns without recommendation 2/25  
Special order of business for 3/16

Passed Senate, Date 3/16

Passed House, Date 3/18

Vote: Ayes 48 Nays 9

Vote: Ayes 88 Nays 54

Approved May 7 1965

motion to reconsider tabled 3/16

passed on file 3/18

A BILL FOR

substituted for HF 228 3/18

returned to the house for further consideration 7/20

motion to reconsider vote tabled 3/18

An Act relating to outdoor advertising along the interstate highways within this state.

approved 7/22

passed Senate as amended 7/22 (72-7)

passed as amended 7/22 (84-38)

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. As used in this Act:

2 1. "Advertising device" includes any outdoor sign, display,  
3 device, figure, painting, drawing, message, placard, poster,  
4 billboard, or any other device designed, intended, or used to ad-  
5 vertise or to give information in the nature of advertising  
6 and having the capacity of being visible from the traveled por-  
7 tion of any highway of the interstate system in this state.

8 2. "Interstate system" means the system of highways as de-  
9 fined in Title twenty-three (23) U.S.C. one hundred three (103),  
10 subsection (d) or amendments thereto.

11 3. "National policy" means the provisions relating to control  
12 of advertising devices adjacent to the interstate system con-  
13 tained in Title twenty-three (23) U.S.C. one hundred thirty-one (131)  
14 or amendments thereto and the national standards promulgated pur-  
15 suant to such provisions.

1 Sec. 2. No advertising device shall be erected or maintained  
2 within six hundred sixty (660) feet of the edge of the right-of-  
3 way of the interstate system except the following:

4 1. Directional or other official signs or notices that are

5 erected by public officers or agencies and required or authorized  
6 by law.

7 2. Advertising devices in compliance with national policy and  
8 rules and regulations promulgated by the state highway commission--  
9 which indicate the sale or lease of the property upon which such  
10 devices are located or which advertise activities being conducted  
11 on the property where the devices are located.

12 3. Advertising devices in compliance with national policy and  
13 rules and regulations promulgated by the state highway commission  
14 which advertise activities being conducted within twelve (12) air  
15 miles of the place where such devices are located.

16 4. Advertising devices in compliance with national policy and  
17 rules and regulations promulgated by the state highway commission  
18 which are designed to give information in the specific interest  
19 of the traveling public.

20 5. Advertising devices which are located in commercial or  
21 industrial zones traversed by segments of the interstate system  
22 within the boundaries of incorporated municipalities as such  
23 boundaries existed September 21, 1959, where the use of property  
24 adjacent to the interstate system is subject to municipal regula-  
25 tion and control, or other areas where the land on September 21,  
26 1959, was clearly established by law for industrial or commercial  
27 purposes.

1 Sec. 3. The state highway commission shall promulgate and  
2 enforce rules and regulations consistent with the safety of the  
3 traveling public and in compliance with national policy governing  
4 the erection, maintenance, and frequency of advertising devices  
5 within six hundred sixty (660) feet of the edge of the right-of-  
6 way of the interstate system which are authorized by this Act and

7 which are outside of commercial and industrial zones designated  
8 in subsection five (5) of section two (2) of this Act.

1 Sec. 4. The state highway commission shall acquire by purchase,  
2 gift, or condemnation all advertising devices existing on the  
3 effective date of this Act which violate the provisions of this  
4 Act or which fail to conform to rules and regulations promulgated  
5 by the state highway commission under this Act and all rights and  
6 interests of all persons in and to such devices; except that in  
7 instances involving any authorized device which fails to conform  
8 to rules and regulations, the state highway commission shall give  
9 notice to the owner of the device and to the owner of the land on  
10 which the device is located and shall give the owner and landowner  
11 time to conform to such rules and regulations as provided in section  
12 five (5) of this Act before proceeding as directed in this section.  
13 The provisions of chapters four hundred seventy-one (471) and four  
14 hundred seventy-two (472) of the Code shall be applicable to any  
15 such condemnation and the state highway commission shall have the  
16 right to take immediate possession of and remove such devices under  
17 the procedure of section four hundred seventy-two point twenty-  
18 five (472.25) of the Code.

1 Sec. 5. Any advertising device erected adjacent to any inter-  
2 state system after the effective date of this Act which violates  
3 the provisions of this Act or fails to comply with the rules and  
4 regulations promulgated by the state highway commission is a public  
5 nuisance. The state highway commission shall give thirty (30)  
6 days notice, by certified mail, to the owner of the device and to  
7 the owner of the land on which said device is located to remove  
8 such advertising device if it is a prohibited device or cause it  
9 to conform to rules and regulations if it is an authorized device.

10 If the landowner or owner of the device fails to act within thirty  
 11 (30) days as required in the notice, the state highway commission  
 12 may file a petition in the district court of the county where such  
 13 advertising device is located to abate the nuisance. If the court  
 14 finds that a violation exists as alleged in the petition, the  
 15 court shall enter an order of abatement against the person or  
 16 persons erecting or maintaining such advertising device and against  
 17 the person or persons owning the land on which such advertising  
 18 device is located.

1 Sec. 6. Whoever erects or maintains an advertising device in  
 2 violation of this Act or in violation of rules and regulations  
 3 promulgated by the state highway commission under this Act shall  
 4 be guilty of a misdemeanor and upon conviction be fined not less  
 5 than one hundred (100) dollars nor more than one thousand (1,000)  
 6 dollars.

1 Sec. 7. The state highway commission may enter into agreements  
 2 with the secretary of commerce of the United States concerning the  
 3 erection, maintenance, regulation, location, frequency, and related  
 4 matters of advertising devices permitted under this Act.

1 Sec. 8. Any expenditures under this Act shall be payable from  
 2 the primary road fund. The state highway commission may accept  
 3 any allotment of funds by the United States or any department or  
 4 agency thereof appropriated under Title twenty-three (23) U.S.C.  
 5 or amendments thereto to accomplish the purposes of this Act.

1 Sec. 9. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the  
 3 ..... , a newspaper published in  
 4 ..... , Iowa, and in the .....  
 5 a newspaper published in ..... , Iowa,

SENATE FILE 192

- 1 Amend Senate File 192, section 9, by striking lines 3, 4, and
- 2 5 and inserting in lieu thereof the following:
- 3 "Denison Newspaper, Inc., a newspaper published in Denison,
- 4 Iowa, and in The What Cheer Patriot-Chronicle, a newspaper
- 5 published in What Cheer, Iowa."

Filed  
February 3, 1965.

By HANSEN.

SENATE FILE 192

- 1 Amend Senate File 192, section 4, as follows:
- 2 1. By adding after the word "devices" in line
- 3 2, the words "or rights".
- 4 2. By striking the following words in lines
- 5 2 and 3: "existing on the effective date of this Act".

Filed and lost  
March 16, 1965.

By SHAFF.

SENATE FILE 192

- 1 Amend Senate File 192 as follows:
- 2 Amend section 6 by striking all of line 5 and inserting
- 3 in lieu thereof the following:
- 4 "than twenty-five (25) dollars nor more than one hundred (100)".

Filed and adopted  
March 16, 1965.

By HAGEDORN.

SENATE FILE 192

- 1 Amend Senate File 192, section 4, by inserting after
- 2 the word "devices" in line 2 thereof the following:
- 3 "and advertising rights in a value not to exceed
- 4 five (5) percent of the acquisition cost of the
- 5 right-of-way involved."

Filed and lost  
March 16, 1965.

By RILEY.

SENATE FILE 192

- 1 Amend Senate File 192, section 9 as amended, by striking
- 2 "Denison Newspaper, Inc." and inserting in lieu thereof
- 3 "The Denison Review".

Filed and adopted  
March 16, 1965.

By O'MALLEY.

SENATE FILE 192

- 1 Amend Senate File 192, section 2, subsection 3 by adding the
- 2 following: "Nothing herein shall be construed as giving to the
- 3 Iowa State Highway Commission the power of promulgate rules
- 4 and regulations which go beyond the requirements of national
- 5 policy and national standards contained in the rules and
- 6 regulations of the U. S. Department of Commerce, Bureau of
- 7 Public Roads (Title 23, U. S. Code, Section 101). The Iowa
- 8 State Highway Commission is hereby authorized to revise its
- 9 rules and regulations to permit the rezoning of any area within
- 10 any city or town which previously has been designated as
- 11 eligible for bonus payments, and the Iowa State Highway Commission
- 12 is hereby authorized to make rebate to the U. S. Department of
- 13 Commerce, Bureau of Public Roads or the proper federal agency
- 14 so that conformity with local zoning may result."

Filed and lost  
March 16, 1965.

By SHAFF.

SENATE FILE 192

- 1 1. Amend Senate File 192 by striking from section 8,
- 2 line 2 the words "primary road fund" and inserting in lieu
- 3 thereof the following: "general fund of the state of Iowa."

Filed and lost *copy 29*  
 March 18, 1965. *copy 75*

SCHERLE of Fremont-Mills.  
 MILLER of Page.

SENATE FILE 192

- 1 Amend Senate File 192 as follows:
- 2 1. By striking from lines 1 and 2 of section 8 the following:
- 3 "Any expenditures under this Act shall be payable from the
- 4 primary road fund."
- 5 2. By inserting after section 8 the following new sections:
- 6 "Sec. 9. Section four hundred twenty-two point sixty-two
- 7 (422.62), Code 1962, as amended by chapter two hundred sixty-six
- 8 (266) and section one (1) of chapter two hundred sixty-seven (267),
- 9 Acts of the Sixtieth General Assembly, is hereby amended as follows:
- 10 1. By inserting in line six (6) after the word 'treasurer.' the
- 11 following:
- 12 "Within fifteen (15) days after the effective date of this Act,
- 13 the state treasurer shall transfer the sum of three hundred fifty
- 14 thousand (350,000) dollars to a fund which shall be known as the
- 15 "interstate outdoor advertising fund" from which all expenditures
- 16 under this Act shall be paid."
- 17 2. By inserting in line twenty-seven (27) after the word
- 18 'plates' the words 'and the amount transferred during such fiscal
- 19 year to the interstate outdoor advertising fund'."
- 20 "Sec. 10. Section one (1) of chapter two hundred sixty-six
- 21 (266), Acts of the Sixtieth General Assembly, is hereby amended
- 22 by inserting in line eleven (11) after the word 'year' the words
- 23 ', and any amount unexpended in the interstate outdoor advertising
- 24 fund on June 30, 1969.'"
- 25 3. By renumbering the remaining section in accordance with
- 26 this amendment.

Filed  
 April 19, 1965.

*adopted 4/22 motion to reconsider lost 7/62*  
*state committee* DUNTON of Keokuk.

SENATE FILE 192

- 1 Amend Senate File 192 as follows:
- 2 Amend the Dunton amendment filed April 19 by inserting after
- 3 the period in line sixteen (16) "The first three hundred fifty
- 4 thousand (350,000) dollars of federal interstate money received
- 5 by the Iowa highway commission shall be turned over to the general
- 6 fund of the State of Iowa."

Filed  
 April 20, 1965.

*with down 4/22* BRINCK of Lee.

AMENDMENT TO SENATE FILE 192

- 1 Amend Senate File 192 by adding the following new sub-
- 2 section to section 2:
- 3 "6. Advertising devices located in areas
- 4 adjacent to any portion of the interstate system con-
- 5 structed upon any part of right of way acquired on or
- 6 prior to July 1, 1956, advertising any subject matter."
- 7 Further amend Senate File 192 section 3 by striking
- 8 from lines 2 and 3 thereof the following:
- 9 "consistent with the safety of the traveling public
- 10 and".

Filed  
 April 20, 1965.

*lost 4/22* REICHARDT of Polk.

SENATE FILE 192

- 1 Amend Senate File 192, section two (2), line eleven
- 2 (11), by inserting following the word "located" the
- 3 following: "providing said rules and regulations
- 4 promulgated by the state highway commission shall not
- 5 be more restrictive than required to conform to the
- 6 national standards as set forth in Title twenty-three
- 7 (23), United States Code."

Filed  
 April 22, 1965.

*adopted 4/22* JACKSON of Clinton.