

LEGISLATIVE BILL 490

Approved by the Governor February 12, 1974

Introduced by Public Works Committee, Kremer, 34, Chmn.; Hasebroock, 18; Wiltse, 1; Moylan, 6; Stromer, 36; Goodrich, 20; Warner, 25; R. Lewis, 38

AN ACT to amend sections 39-1320.01, 39-1320.09, and 39-1320.10, Revised Statutes Supplement, 1972, relating to highways; to provide compensation; to prohibit advertising signs as prescribed; to provide for permits, fees and exceptions; to clarify size of sale bills; to provide for injunctive relief; to provide for the determination of damages; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-1320.01, Revised Statutes Supplement, 1972, be amended to read as follows:

39-1320.01. (1) The Department of Roads is authorized to acquire the interest in lands, real or personal property, necessary to exercise the power authorized by subdivision (m) of subsection (2) of section 39-1320, and to pay just compensation upon removal of the following outdoor advertising signs, displays, and devices, as well as just compensation for the disconnection and removal of electrical service to the same:

(a) Those lawfully erected or in existence prior to March 27, 1972, and not conforming to the provisions of this act except as otherwise authorized by this act; and

(b) Those lawfully erected after the March 27, 1972, which become nonconforming after being erected.

(2) Such compensation for removal of such signs, displays and devices is authorized to be paid only for the following:

(a) The taking from the owner of such sign, display, or device or of all right, title, leasehold, and interest in connection with such sign, display, or device, or both; and

(b) The taking, from the owner of the real property on which the sign, display, or device is

located, of the right to erect and maintain such signs, displays and devices thereon.

(3) In all instances where signs, displays or devices, which are served electrically, are taken under subdivision (2) (a) of this section, the Department of Roads shall pay just compensation to the supplier of electricity for supportable costs of disconnection and removal of such service to the nearest distribution line, or in the event such sign, display or device is relocated, just compensation for removal of such service to the point of relocation.

The department shall not be required to expend any funds under the provisions of this act unless and until federal-aid matching funds are made available for this purpose. The department is hereby required to report to the Legislature annually, on or before January 15, commencing in 1973, the status of the program provided for in this act. Such report shall include the number of signs, displays or devices removed and the cost thereof, federal and matching funds expended or obligated, an estimate for the succeeding year, and such other information as the Legislature or the Legislative Council shall officially order the department to provide.

Sec. 2. That section 39-1320.09, Revised Statutes Supplement, 1972, be amended to read as follows:

39-1320.09. No advertising signs shall be placed along or upon any interstate or primary highway at any point controlled and permitted by the department without a written permit. The department may at its discretion require permits for advertising signs, displays, or devices which are placed or allowed to exist along or upon any interstate or primary highway or at any point within six hundred sixty feet of the right-of-way thereof, except for signs located within an area of fifty feet of any commercial or industrial building on the premises. Such permits shall be renewed biennially. Each sign shall bear upon it on the side facing the highway the permit number in a readily observable place for inspection purposes from the highway right-of-way. The department is authorized to charge a fee to be not less than twenty-five cents or not to exceed ten fifteen dollars for each permit and renewal permit for each individual sign. The department shall promulgate rules and regulations establishing, and from time to time adjusting, the annual fees for the permits to cover the costs of administering the provisions of this act and may by rule and regulation provide exceptions from the payment of fees for signs advertising eleemosynary or nonprofit public service activities, signs designating

historical sites, and farm and ranch directional signs. The department may revoke the permit for noncompliance reasons and remove the sign if, after thirty days' notification to the sign owner, the sign remains in noncompliance. Printed sale bills ~~of small~~ not exceeding two hundred sixteen square inches in size shall not require a permit if otherwise conforming.

Sec. 3. That section 39-1320.10, Revised Statutes Supplement, 1972, be amended to read as follows:

39-1320.10. Any person, firm, company, or corporation, violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars. In addition to any other available remedies, the Director-State Engineer, for the department and in the name of the State of Nebraska, may apply to the district court having jurisdiction for an injunction to force compliance with any of the provisions of this act or rules and regulations promulgated thereunder. When any person, firm, company, or corporation deems its property rights have been adversely affected by the application of the provisions of this act, such person, firm, company, or corporation shall have the right to have damages ascertained and determined pursuant to the provisions of Chapter 76, article 7.

Sec. 4. That original sections 39-1320.01, 39-1320.09, and 39-1320.10, Revised Statutes Supplement, 1972, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.