

SECTION \_\_\_\_\_. Section 391.033, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The commission may [~~purchase or~~] acquire by gift, purchase, agreement, exchange, or eminent domain outdoor advertising that is lawfully in existence on a highway in the interstate or primary system.

(c) For purposes of this chapter, just compensation includes damages to remaining property, contiguous and noncontiguous, included in the interest of the owner of the outdoor advertising, that together with the property actually acquired by eminent domain constituted an economic unit.

(d) Except as provided by this chapter, the commission may not require the removal or the relocation of outdoor advertising or that maintenance of outdoor advertising be discontinued unless at the time of removal, relocation, or discontinuance:

(1) there is sufficient money, from any source, appropriated and immediately available to pay the just compensation required under this section; and

(2) any federal money contribution under 23 U.S.C. Section 131, as amended, has been appropriated and made available to the state.

SECTION \_\_\_\_\_. Section 391.034, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may remove outdoor advertising that is erected or maintained in violation of this chapter without payment of compensation to the owner or lessee.

SECTION \_\_\_\_\_. Subchapter C, Chapter 391, Transportation Code, is amended by adding Section 391.0651 to read as follows:

Sec. 391.0651. NOTICE OF AMENDED AND PROPOSED RULES. The commission shall give written notice within a reasonable time to all outdoor advertising license and permit holders of any change or proposed change in rules adopted under this chapter. The notice must be given not later than 60 days before the effective date of the change.

SECTION \_\_\_\_\_. Subsection (a), Section 391.181, Transportation Code, is amended to read as follows:

(a) The commission may acquire by gift, purchase, agreement, exchange, or condemnation any right or property interest that it considers necessary or convenient to implement this chapter.

SECTION \_\_\_\_\_. Subtitle H, Title 6, Transportation Code, is amended by adding Chapter 398 to read as follows:

CHAPTER 398. REGULATION OF OUTDOOR ADVERTISING GENERALLY BY GOVERNMENTAL ENTITIES

Sec. 398.001. DEFINITION. In this chapter, "outdoor advertising" has the meaning assigned by Section 391.001.

Sec. 398.002. PROHIBITION OF OUTDOOR ADVERTISING. A governmental entity may not prohibit new outdoor advertising outside the jurisdiction or extraterritorial jurisdiction of a municipality.

Sec. 398.003. ACQUISITION OF PROPERTY THROUGH VOLUNTARY TRANSACTION. A governmental entity that acquires property by gift, purchase, agreement, or exchange may not require that lawfully erected outdoor advertising located on the property be altered or removed from the property without the payment of just compensation.

Sec. 398.004. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION. (a) If any outdoor advertising use, structure, or permit may not be continued because of widening, construction, or reconstruction of a highway, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to another location:

(1) on the same property;

(2) on adjacent property;

(3) on the same highway not more than 50 miles from the previous location; or

(4) if the outdoor advertising is within a municipality or the extraterritorial jurisdiction of a municipality, within that municipality or its extraterritorial jurisdiction.

(b) Relocation under this section shall be in accordance with applicable spacing requirements under this subtitle and shall be to a location where outdoor advertising is permitted under Section 391.031.

(c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation by a special exception to any applicable zoning ordinance.

(d) The relocated use or structure may be:

(1) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated;

(2) the same size and at least the same height as the previous use or structure, but not in violation of any size or height requirement established under this subtitle; and

(3) relocated to a location with a comparable vehicular traffic count.

(e) Any governmental entity or quasi-governmental entity that acquires outdoor advertising by eminent domain or causes the need for the outdoor advertising to be relocated under this section shall pay the costs related to the acquisition or relocation.

(f) If a governmental entity by regulation prohibits the relocation of outdoor advertising as provided under this section, the governmental entity shall pay just compensation as provided in Section 398.003.

Sec. 398.005. OBSTRUCTION OF VIEW AND READABILITY. (a) If the view and readability of outdoor advertising are obstructed due to a noise abatement or safety measure, a grade change, construction, vegetation, an aesthetic improvement made by an agency of this state, a directional sign, or widening along a highway, the owner of the sign may:

(1) adjust the height of the sign; or

(2) relocate the sign to a location within 500 feet of its previous location if the sign complies with the spacing requirements under this chapter and is in a location in which outdoor advertising is permitted under Section 391.031.

(b) A county or municipality in which the outdoor advertising is located shall, if necessary, provide for the height adjustment or relocation by a special exception to any applicable zoning ordinance.

(c) Notwithstanding any height requirements established under this subtitle, the adjusted or relocated outdoor advertising may be erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway and must be the same size as the previous sign.

Sec. 398.006. NOTICE OF AMENDED AND PROPOSED RULES. (a) A governmental entity shall give written notice to all outdoor advertising license and permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances. The notice must be given not later than 60 days before the effective date of the change.

(b) A governmental entity must give written notice to all property owners along any highway or portion of a highway before adopting a prohibition of new outdoor advertising affecting that highway or portion of highway. The notice must be given not later than 60 days before the effective date of the change.

SECTION \_\_\_\_\_. REGULATION OF OFF-PREMISE SIGNS.  
Notwithstanding any other law, a municipality that permits the replacement of a nonconforming off-premise sign by a new nonconforming off-premise sign owned by a person other than the owner of the replaced sign shall permit the owner of the sign that was removed to erect a comparable sign at a location designated by the owner of the displaced sign on property zoned for commercial, industrial, or manufacturing uses.