

By: Swinford

H.B. No. 671

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the acquisition of outdoor advertising by a
3 governmental entity.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading of Section 391.033, Transportation
6 Code, is amended to read as follows:

7 Sec. 391.033. ACQUISITION OF OUTDOOR ADVERTISING [~~BY~~
8 ~~COMMISSION~~].

9 SECTION 2. Section 391.033, Transportation Code, is amended
10 by amending Subsection (a) and adding Subsections (c), (d), and (e)
11 to read as follows:

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

16 (c) If the department, a county, municipality, or other
17 governmental entity, a public utility, or a quasi-governmental
18 entity prevents the maintenance of existing outdoor advertising or
19 requires that the maintenance of existing outdoor advertising be
20 discontinued, the entity shall pay just compensation as if it had
21 made an acquisition by eminent domain.

22 (d) If a governmental entity or another entity with eminent
23 domain authority requires the alteration or removal of a lawfully
24 erected sign that is located on property acquired by the entity

1 through a voluntary transaction, the entity shall pay just
2 compensation as if it had made an acquisition by eminent domain.

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

8 SECTION 3. Subchapter B, Chapter 391, Transportation Code,
9 is amended by adding Section 391.0335 to read as follows:

10 Sec. 391.0335. LIMITATION ON REQUIRING SIGNS TO BE REMOVED
11 OR DISCONTINUED. Except as provided by this chapter, the
12 commission may not require the removal of outdoor advertising or
13 that maintenance of outdoor advertising be discontinued unless at
14 the time of removal or discontinuance:

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

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

20 SECTION 4. This Act takes effect September 1, 2007.