

CHAPTER 658

S.B. No. 1139

An Act relating to the authority of a toll road authority to regulate or prohibit the placement of signs on toll roads and to compensation and methods of payment of compensation to sign owners and owners of real property on which removed signs were located; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITION. In this Act, "sign" means an outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, or other thing that is designed, intended, or used to advertise or inform.

SECTION 2. REGULATING SIGNS. (a) The governing body of a toll road authority in which a county with a population of 2.4 million or more, according to the most recent federal decennial census, is located may adopt rules that provide for the licensing, regulation, control, or prohibition of the placement of signs that are visible from the main-travelled way of a toll road in the authority and are erected for the purpose of having the message seen from the main-travelled way of the toll road, if the authority determines the rules are necessary to restore, preserve, or enhance the scenic beauty of the property within view of the road.

(b) If the governing body of a toll road authority adopts rules under this section that apply to signs on property located inside the limits of a municipality that has adopted an ordinance regulating the placement of signs on that property, the rules of the authority must be at least as stringent as the ordinance of the municipality.

(c) This section does not affect the authority of a municipality to adopt ordinances regulating the placement of signs within view of a toll road located inside the limits of the municipality.

(d) Chapter 834, Acts of the 68th Legislature, Regular Session, 1983 (Article 2372cc, Vernon's Texas Civil Statutes), does not apply to the placement of signs to which this Act applies.

SECTION 3. PENALTY. If a rule adopted under this Act defines an offense, the offense is a Class C misdemeanor. The offense is prosecuted in the same manner as an offense defined by state law.

SECTION 4. COMPENSATION FOR SIGNS. (a) If a sign is required to be removed, the owner of the sign is entitled to be compensated for the cash value of the tangible, physical property constituting the sign structure, determined in accordance with standards and procedures applicable to a proceeding under Chapter 21, Property Code.

(b) If a sign is required to be removed, the owner of the real property on which the sign was located is entitled to be compensated for the decrease in the value of the real property. The compensation shall be determined in accordance with standards and procedures applicable to a proceeding under Chapter 21, Property Code.

SECTION 5. PAYMENT OF COMPENSATION. (a) To pay the compensation required by Section 4 of this Act, the governing body of a toll road authority may use only a method or a combination of methods described by this section.

(b) The governing body of a toll road authority, with the approval of the commissioners court and in accordance with the Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), may abate county property taxes that otherwise would be owed by the owner of a sign to be removed. The governing body may declare an area to be a reinvestment zone for purposes of abating property taxes under this subsection if the area encompasses signs designated by the governing body for removal. The abated taxes may be on any real or personal property in the county, other than residential property, owned by the owner of the sign. The right to the abatement of taxes is assignable by the holder, and the assignee may use the right of abatement with respect to taxes on any nonresidential property in the same county. In a county in which tax abatement is used in order to pay compensation, the compensation shall include reasonable interest and the abatement period may not exceed five years.

(c) The governing body of a toll road authority may allocate all or any part of the county property tax paid on a sign, on the real property on which a sign is located, or on other real or personal property owned by the owner of a sign to a special fund in the county treasury to be known as the sign abatement and community beautification fund, and make payments from that fund to pay compensation to owners of signs required to be removed.

(d) The governing body of a toll road authority may provide for the issuance of sign abatement revenue bonds and use the proceeds to pay compensation to the owners of signs required to be removed. The governing body may only use the proceeds from those bonds for the removal of signs that are visible from the main-travelled way of the toll road.

(e) The governing body of a toll road authority may pay compensation in cash.

SECTION 6. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 16, 1985, by the following vote: Yeas 29, Nays 0; Senate concurred in House amendment on May 27, 1985, by the following vote: Yeas 30, Nays 1; passed the House, with amendment, on May 23, 1985, by the following vote: Yeas 139, Nays 0, one present not voting.

Approved: June 14, 1985

Effective: Immediately