



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 302

Chairperson: Mike Friend
Committee: Urban Affairs
Date of Hearing: February 6, 2007

The following constitute the reasons for this bill and the purposes which are sought to be accomplished thereby:

In 1981, the Unicameral adopted legislation (LB 241) that proposed to restrict the ability of various zoning authorities to remove outdoor advertising displays located in areas where they constituted non-conforming uses without fully compensating their owners. It was common at that time for some jurisdiction to seek the removal of such signs based on an amortization schedule (which presumed over a period of time that the original investment had been recovered through use).

That legislation placed a specific prohibition on the use of the amortization method by first and second class cities and villages and counties. Additionally, it adopted a general prohibition on the use of the amortization schedule by all state agencies, the state itself, and other political subdivisions (section 69-1701) and specific upkeep requirements for such signs by their owners (section 69-1702).

This legislation revisits that original act, seeking to update it and clarify the extent of its reach.

First, it extends the explicit statutory prohibition on the use of the amortization schedule to metropolitan and primary class cities, placing it in their specific statutory zoning authority.

Second, it specifies that the current protection provided to owners of outdoor advertising signs (which are non-conforming uses) under the authority of first and second class cities and villages extends to assignees of the owner.

Third, it provides that the Department of Roads when acquiring or removing outdoor advertising signs or displays must value (for compensation purposes) as a whole economic unit and may not separate out the various interests for valuation purposes.

Finally, it amends section 69-1701 (which is generally applicable to all agencies and jurisdictions) to make it clear that the value of a sign includes all right, title, leasehold and interest in connection with the sign or display and that they are to be valued as a whole economic unit and not as separate interests. It also specifically authorizes the alternative of relocation of the sign by the taking entity if the relocation is to a substantially comparable location on substantially comparable terms.

This legislation is a matter of fundamental fairness, an attempt to clarify the law as it has been understood for over a quarter of a century to insure that the unique nature of the property known as an "outdoor advertising display" receives the same constitutional protection as other property being taken by a governmental entity.

Principal Introducer:

Senator Mike Friend