

By: Phillips

H.B. No. 2899

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Department of Transportation
3 to contract for the erection and maintenance of logo, major
4 shopping area, and agricultural signs.

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

6 SECTION 1. Section 391.091, Transportation Code, is amended
7 to read as follows:

8 Sec. 391.091. ERECTION AND MAINTENANCE OF SIGNS. (a) The
9 department [~~commission~~] shall contract with an individual, firm,
10 group, or association in this state to erect and maintain specific
11 information logo signs, major shopping area guide signs, and major
12 agricultural interest signs at appropriate locations along an
13 eligible highway.

14 (b) The department may enter these contracts by the method
15 that provides the best value for the state, including competitive
16 bids, competitive sealed proposals, and open market contracts.

17 (c) In determining the best value for the state, the
18 department may consider:

19 (1) revenue provided to the department by the
20 contractor;

21 (2) fees to be charged eligible businesses or
22 agricultural interests for inclusion in specific information logo
23 signs and agricultural interest signs;

24 (3) the quality of services offered;

- 1 (4) the contractor's past relationship with the
2 department;
3 (5) the contractor's reputation;
4 (6) the contractor's financial resources and ability
5 to perform; and
6 (7) any other factors deemed relevant by the
7 department.

8 (d) To the extent of any conflict, this section prevails
9 over any other law relating to the purchasing of goods and services.
10 Subtitle D, Title 10, Government Code, and Chapter 223 do not apply
11 to purchases of goods and services under this section.

12 (e) A claim arising from a contract entered under this
13 section shall be governed by Section 201.112.

14 SECTION 2. Section 391.097, Transportation Code, is amended
15 to read as follows:

16 Sec. 391.097. MAJOR AGRICULTURAL INTEREST SIGN. (a) In
17 this section:

18 (1) "Eligible rural highway" means a highway that:
19 (A) has noncontrolled access; and
20 (B) is outside the corporate limits of a
21 municipality.

22 (2) "Major agricultural interest" means a farm, ranch,
23 winery, nursery, greenhouse, or other facility that:

24 (A) sows or cultivates an agricultural product;
25 (B) devotes a minimum of five acres of land to the
26 production of the agricultural product;

27 (C) markets the product on the premises as a

1 retail sale of the product; and

2 (D) conducts public tours of the grounds or
3 facilities.

4 ~~[(b) The commission shall enter into one or more contracts~~
5 ~~with an individual, firm, group, or association in this state to~~
6 ~~erect and maintain major agricultural interest signs at appropriate~~
7 ~~locations along eligible rural highways.]~~

8 ~~[(c) A contract under this section shall provide for:]~~

9 ~~[(1) the assessment of fees to be paid to a contractor~~
10 ~~by a commercial establishment of a major agricultural interest,~~
11 ~~and]~~

12 ~~[(2) remittance to the department of a portion of the~~
13 ~~fees collected by the contractor in an amount sufficient to recover~~
14 ~~the department's costs of administering the program.]~~

15 (b) ~~[(d)]~~ To be eligible to have its name displayed on a
16 major agricultural interest sign, a major agricultural interest
17 must be located within five miles of an intersection with an
18 eligible rural highway.

19 (c) ~~[(e)]~~ A major agricultural interest sign must:

20 (1) have a brown background with a white reflective
21 legend and border;

22 (2) not contain a corporate or trademark symbol; and

23 (3) not contain a message, symbol, or trademark that
24 resembles an official traffic control device.

25 (d) ~~[(f)]~~ The commission shall:

26 (1) regulate the content, composition, placement,
27 erection, and maintenance of major agricultural interest signs and

1 supports on an eligible rural highway right-of-way; and

2 (2) adopt rules necessary to administer and enforce
3 this section.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2003.