

1-1 By: Madla S.B. No. 84
1-2 (In the Senate - Filed July 13, 2005; July 13, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; July 14, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 July 14, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 84 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to highway signs for certain businesses related to
1-11 agriculture.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 391, Transportation Code,
1-14 is amended by adding Section 391.097 to read as follows:

1-15 Sec. 391.097. MAJOR AGRICULTURAL INTEREST SIGN. (a) In
1-16 this section:

1-17 (1) "Eligible rural highway" means a highway that:

1-18 (A) has noncontrolled access; and

1-19 (B) is outside the corporate limits of a
1-20 municipality.

1-21 (2) "Major agriculture interest" means a farm, ranch,
1-22 winery, nursery, greenhouse, or other facility that:

1-23 (A) sows or cultivates an agricultural product;

1-24 (B) devotes a minimum of five acres of land to the
1-25 production of the agricultural product or produces wine or other
1-26 finished agricultural products on the grounds or facilities toured
1-27 as required by Paragraph (D);

1-28 (C) markets the product on the premises as a
1-29 retail sale of the product; and

1-30 (D) conducts public tours of the grounds or
1-31 facilities.

1-32 (b) The department shall contract with an individual, firm,
1-33 group, or association to erect and maintain agricultural interest
1-34 signs.

1-35 (c) A contract under this section shall provide for:

1-36 (1) the assessment of fees to be paid to a contractor
1-37 by a commercial establishment of a major agricultural interest;

1-38 (2) remittance to the department of 10 percent of the
1-39 fees collected by the contractor; and

1-40 (3) regulation of the content, composition,
1-41 placement, erection, and maintenance of major agricultural
1-42 interest signs and supports on eligible rural highway
1-43 rights-of-way.

1-44 (d) To be eligible to have its name displayed on a major
1-45 agricultural interest sign, a major agricultural interest must:

1-46 (1) be located within five miles of an intersection
1-47 with an eligible rural highway; and

1-48 (2) provide additional directional signs at each
1-49 intersecting road that requires a turn if the major agricultural
1-50 interest is located two or more turns off of an eligible rural
1-51 highway.

1-52 (e) A major agricultural interest sign must:

1-53 (1) have a blue background with a white reflective
1-54 legend and border;

1-55 (2) not contain a corporate or trademark symbol; and

1-56 (3) not contain a message, symbol, or trademark that
1-57 resembles an official traffic control device.

1-58 (f) The commission shall adopt rules necessary to
1-59 administer and enforce this section.

1-60 (g) This section expires December 31, 2006.

1-61 SECTION 2. Subdivisions (1) and (3), Subsection (a),
1-62 Section 391.099, Transportation Code, as added by Section 9, S.B.
1-63 No. 1137, Acts of the 79th Legislature, Regular Session, 2005, are

2-1 amended to read as follows:

2-2 (1) "Eligible facility" means a winery or a business
2-3 related to agriculture [~~or tourism~~], including a farm or[~~7~~] ranch,
2-4 [~~or other tourist activity,~~] that:

2-5 (A) derives a major portion of its income or
2-6 visitors during the normal business season from highway users not
2-7 residing in the area of the facility;

2-8 (B) complies with state and federal laws relating
2-9 to:

2-10 (i) provision of public accommodation
2-11 without regard to race, religion, color, age, sex, or national
2-12 origin; and

2-13 (ii) licensing and approval of service
2-14 facilities; and

2-15 (C) is located within the mile limitations
2-16 established under the Texas Manual on Uniform Traffic Control
2-17 Devices and the Manual on Uniform Traffic Control Devices issued by
2-18 the United States Department of Transportation, Federal Highway
2-19 Administration.

2-20 (3) "Tourist-oriented directional sign" means a sign
2-21 that identifies a particular winery or business related to
2-22 agriculture [~~or tourism~~], including a farm or[~~7~~] ranch, [~~or other~~
2-23 ~~tourist activity,~~] and identifies the type or nature of the winery
2-24 or business by use of an icon, symbol, or other identifying device.

2-25 SECTION 3. Notwithstanding the expiration of Section
2-26 391.097, Transportation Code, as added by this Act, on December 31,
2-27 2006, the contractor or commercial establishment of a major
2-28 agricultural interest may continue to maintain a major agricultural
2-29 interest sign erected under that section before that date, if the
2-30 contractor or commercial establishment maintains standards
2-31 established by the Texas Department of Transportation for highway
2-32 signs.

2-33 SECTION 4. This Act takes effect November 1, 2005.

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