

BILL ANALYSIS

C.S.H.B. 2944
By: Murphy
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Both the State and political subdivisions of the State have concurrent regulatory authority over signs. Under the current law, the Texas Department of Transportation issues state permits for off-premise advertising signs, without regard to whether the sign is legal under the local jurisdiction's regulation. A number of sign companies have used the state permit as sole authority to erect signs that also require a municipal permit. Such signs are in violation of a municipality's sign regulation and are thus in violation of the law. These illegal signs have led to diminished quality of life in communities, visual blight, and negative impacts on regional economic development efforts.

The purpose of C.S.H.B. 2944 is to prevent the circumstance in which outdoor advertising is constructed with the use of a state permit as sole authority for erecting a billboard that is, in fact, in violation of applicable municipal sign regulations, by requiring that the municipality's permit be obtained before seeking the state permit.

This bill amends the sections of the Transportation Code that concern off-premise advertising permits issued by the State. The purpose of the bill is to require that if a state permit is sought to erect a billboard, the applicant must first show that it has obtained a permit from the relevant municipality if the municipality regulates signs and has a population of 1.9 million or more. It further provides that if a municipality with a population of 1.9 million or more prohibits new billboards, the state may not issue a permit.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 391.068, Texas Transportation Code by amending Subsection (a) to provide for a new Subsection (d). Adds new Subsection (d) which requires that when proposed outdoor advertising is located within the jurisdiction of a municipality of 1.9 million or more that is exercising authority to regulate outdoor advertising, the state may issue a permit only where the municipality:

- (1) has not acted to prohibit outdoor advertising in its jurisdiction; and
- (2) has issued a permit authorizing the outdoor advertising.

SECTION 2. Amends Section 394.021, Texas Transportation Code by adding new Subsection (c) to provide that the state may not issue a permit under Section 394.021 for outdoor advertising located within a jurisdiction of a municipality with a population of 1.9 million or more that is exercising its authority to regulate off-premise signs if that municipality has acted to prohibit new off-premise signs within its jurisdiction.

SECTION 3. Amends Section 394.022, Texas Transportation Code by adding subsection number notations (1) and (2) to current permit application requirements and adding a new Subsection (3). New Subsection (3) requires that, in order for the state to issue a state permit to a person making an application, the person must, in addition to current requirements, obtain a permit for the off-premise sign from a municipality if the sign is located within the jurisdiction of a municipality with a population of 1.9 million or more that is exercising its authority to regulate off-premise signs.

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

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2944 alters terms used in the original bill as filed. The term “political subdivision” is replaced with the terms “home-rule municipality” and “municipality,” as appropriate, in order to more clearly reflect the types of political subdivisions that are authorized by law to regulate outdoor advertising.

C.S.H.B. 2944 was also amended to be bracketed to municipalities with a population of 1.9 million or more.