

BILL ANALYSIS

C.S.S.B. 111
By: Carona
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many Texas cities have ordinances prohibiting the erection of new billboards. When a highway is expanded to take in land occupied by a billboard, the billboard owner may attempt to relocate the billboard elsewhere, but instead of allowing the billboard to be relocated, the city will condemn the existing billboard and prohibit erection of a new one. A city has no incentive to consider relocation because the state, not the city, must pay a significant amount to compensate the owner for the condemned billboard.

C.S.S.B. 111 requires cities to pay the cost of condemnation if they choose to condemn a billboard instead of permitting relocation. If the city allows the billboard to relocate, then the state will continue to pay that cost. The bill allows the sign owner to raise or lower a sign, if obstructed, subject to the Texas Department of Transportation's safety compliance measures, at the cost of the sign owner. The bill also prohibits a grandfathered sign existing in an area that has been zoned as to exclude non-conforming structures from being replaced by another off-premise sign by anyone other than the owner.

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

C.S.S.B. 111 amends the Transportation Code to provide that if outdoor advertising is required to be removed because of the widening, construction, or reconstruction of a part of the state highway system and if relocation of the outdoor advertising would be allowed under the rules of the Texas Transportation Commission (commission) but is prohibited by the charter or an ordinance or decision of a municipality, the liability of the Texas Department of Transportation (TxDOT) relating to the removal of the outdoor advertising is limited to the amount that TxDOT would have been required to pay if the outdoor advertising had been relocated in accordance with rules of the commission. The bill provides that a municipality that prohibits the relocation of outdoor advertising is liable for the difference between the amount of the just compensation required for the removal of the outdoor advertising and the amount for which TxDOT is liable.

The bill provides that if the visibility of outdoor advertising is obstructed, the owner of the sign is authorized to raise or lower the height of the sign provided that the sign conforms to state regulation and TxDOT approves the height of the sign. The bill provides that the owner of the sign is responsible for all expenses and costs incurred regarding the obstruction of visibility of the sign.

The bill provides that nothing in this section be construed to alter or affect the property rights of a party in eminent domain proceedings.

C.S.S.B. 111 amends the Local Government Code to prohibit a municipality from allowing a nonconforming off-premise sign to be replaced with another off-premise sign by a person other than the owner of the sign or a contractor employed by the owner of the sign.

EFFECTIVE DATE

September 1, 2007.

C.S.S.B. 111 80(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute removes "this section applies only to outdoor advertising that is within a municipality or the extraterritorial jurisdiction of a municipality," from the original SECTION 1. The substitute combines the original SECTIONS 1 and 2 to form a new SECTION 1. The substitute adds a new SECTION 2 prohibiting a municipality from allowing a nonconforming off-premise sign to be replaced with another off-premise sign by a person other than the owner of the sign or a contractor employed by the owner of the sign. The substitute conforms the original to Texas Legislative Council style and format. The substitute also makes conforming and Section number changes throughout the original.