

SENATE AMENDMENTS

2nd Printing

By: Kolkhorst

H.B. No. 1521

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of signs on certain roads.

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

SECTION 1. Section 391.252(a), Transportation Code, is amended to read as follows:

(a) A person may not erect an off-premise sign that is adjacent to and visible from:

(1) U.S. Highway 290 between the western city limits of the city of Austin and the eastern city limits of the city of Fredericksburg;

(2) State Highway 317 between the northern city limits of the city of Belton to the southern city limits of the city of Valley Mills;

(3) State Highway 16 between the northern city limits of the city of Kerrville and Interstate Highway 20;

(4) U.S. Highway 77 between State Highway 186 and State Highway 44;

~~(5) [U.S. Highway 281 between State Highway 186 and Interstate Highway 37, exclusive of the segment of U.S. Highway 281 located in the city limits of Three Rivers;~~

~~(5)~~ U.S. Highway 281 between:

(A) State Highway 186 and Interstate Highway 37, exclusive of the segment of U.S. Highway 281 located in the city limits of Three Rivers; and

1 (B) the southern boundary line of Comal County
2 and State Highway 306;

3 (6) State Highway 17 between State Highway 118 and
4 U.S. Highway 90;

5 (7) State Highway 67 between U.S. Highway 90 and
6 Farm-to-Market Road 170;

7 (8) Farm-to-Market Road 170 between State Highway 67
8 and State Highway 118;

9 (9) State Highway 118 between Farm-to-Market Road 170
10 and State Highway 17;

11 (10) State Highway 105 between the western city limits
12 of the city of Sour Lake to the eastern city limits of the city of
13 Cleveland;

14 (11) State Highway 73 between the eastern city limits
15 of the city of Winnie to the western city limits of the city of Port
16 Arthur;

17 (12) State Highway 21 between the southern city limits
18 of the city of College Station and U.S. Highway 290;

19 (13) a highway located in:

20 (A) the Sabine National Forest;

21 (B) the Davy Crockett National Forest; or

22 (C) the Sam Houston National Forest; [~~or~~]

23 (14) Segments 1 through 4 of State Highway 130; [~~+~~]

24 (15) [~~(14)~~] a highway in Bandera County that is part
25 of the state highway system; [~~+~~]

26 (16) [~~(14)~~] Farm-to-Market Road 3238 beginning at
27 State Highway 71 and any extension of that road through Hays and

1 Blanco Counties;~~[-]~~

2 (17) [~~(14)~~] Farm-to-Market Road 2978 between
3 Farm-to-Market Road 1488 and the boundary line between Harris and
4 Montgomery Counties;~~[-]~~

5 (18) U. S. [~~(14)~~—State] Highway 90 between the western
6 city limits of the city of San Antonio and the eastern city limits
7 of the city of Hondo; or

8 (19) the following highways in Austin County:

9 (A) State Highway 159;

10 (B) Farm-to-Market Road 331;

11 (C) Farm-to-Market Road 529;

12 (D) Farm-to-Market Road 1094; and

13 (E) Farm-to-Market Road 2502.

14 SECTION 2. A landowner to whom a notice is mailed by the
15 county clerk as provided by Section 3(b) of this Act may exclude the
16 landowner's property from the application of Section 1 of this Act
17 by notifying the Texas Department of Transportation in writing, by
18 certified mail. In order for the landowner's property to be
19 excluded from the application of Section 1 of this Act, the
20 landowner's notice must be received by the Texas Department of
21 Transportation within one year of the date the Texas Department of
22 Transportation receives notification from all appropriate county
23 clerks that notices were mailed to landowners as provided in
24 Section 3(b) of this Act. The exclusion of the landowner from the
25 application of Section 1 of this Act becomes effective on the date
26 the landowner's notice is received by the Texas Department of
27 Transportation.

1 SECTION 3. (a) Except as otherwise provided by this
2 section, this Act takes effect September 1, 2007.

3 (b) Before Section 1 of this Act can become effective, the
4 county clerk of the county or counties in which a segment of public
5 road affected by this Act is located must send a written notice, by
6 certified mail, to each landowner who owns real property, according
7 to the most recent certified tax appraisal roll, along a segment of
8 public road affected by this Act. The notice shall also be
9 published in a newspaper of general circulation in the county or
10 counties in which a segment of public road affected by this Act is
11 located. The notice shall identify the segment of public road
12 affected by this Act and state that the landowner's future right to
13 lease the landowner's property for the purpose of erecting an
14 off-premise sign will be terminated unless the landowner notifies
15 the Texas Department of Transportation that the landowner plans to
16 exclude the landowner's property from the application of the Act.
17 The notice must be sent to landowners and published by the
18 appropriate county clerk or clerks in accordance with this
19 subsection within 45 days of the effective date of this Act. The
20 appropriate county clerk or clerks shall notify the Texas
21 Department of Transportation in writing, by certified mail, when
22 the notice is mailed to the landowners and published in accordance
23 with this subsection. The notice provided to the Texas Department
24 of Transportation by the county clerk is public information for the
25 purposes of Chapter 552, Government Code, and must include the
26 following information:

27 (1) the affidavit of the publisher of the newspaper

1 notice indicating the date the notice was published, accompanied by
2 a printed copy of the notice as published; and

3 (2) the affidavit of the county clerk certifying the
4 date notice was mailed to the landowners, accompanied by a copy of
5 the notice and a list of the landowners to whom the notice was
6 mailed.

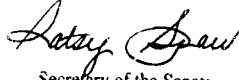
7 (c) Section 1 of this Act takes effect on the 91st day after
8 the Texas Department of Transportation receives notification from
9 all appropriate county clerks as provided in Subsection (b).

ADOPTED

MAY 18 2007

FLOOR AMENDMENT NO. 1

BY: 


Secretary of the Senate

1 Amend H.B. no. 1521 (Senate Committee Printing) as follows:

2 1) on page 2, line 8 between "whom" and "notice" strike "a"

3 2) on page 2, lines 8-9 strike "mailed by the county clerk"
4 and substitute "given"

5 3) on page 2, line 10 after "of" strike "Section 1 of this
6 Act" and substitute "Section 391.252(a)(19), Transportation Code,
7 as added by this act"

8 4) on page 2, line 13 after "of" strike "Section 1 of this
9 Act," and substitute "Section 391.252(a)(19), Transportation Code,
10 as added by this act,"

11 5) on page 2, line 19 after "of" strike "Section 1 of this
12 Act" and substitute "Section 391.252(a)(19), Transportation Code,
13 as added by this act"

14 6) on page 2, line 24 after "Before" strike "Section 1 of this
15 Act" and substitute "Section 391.252(a)(19), Transportation Code,
16 as added by this act"

17 7) on page 2, lines 24-29 after "effective," strike "the
18 county clerk of the county or counties in which a segment of public
19 road affected by this Act is located must send a written notice, by
20 certified mail, to each landowner who owns real property, according
21 to the most recent certified tax appraisal roll, along a segment of
22 public road affected by this Act. The" and substitute "the"

23 8) on page 2, line 29 between "shall" and "be" strike "also"

24 9) on page 2, line 38 after "be" strike "sent to landowners
25 and"

26 10) on page 2, line 55 after "(c)" strike "Section 1 of this
27 Act" and substitute "Section 391.252(a)(19), Transportation Code,
28 as added by this act"

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 18 2007 BY:

Watson
(Watson)

Atay Grew
Secretary of the Senate

1 Amend H.B. 1521 as follows:

2 (1) On page 2 line 1, strike "or"

3 (2) On page 2 line 7, strike the period and insert "or (20)
4 State Highway 71 between the western city limits of the city of
5 Austin and State Highway 16.".

6 (3) Add an appropriately numbered SECTION to read as
7 follows:

8 SECTION ____ The provisions of SECTION 2 do not apply to
9 Section 391.252 (1) (20).

10 (4) Renumber the remaining SECTIONS accordingly.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1521 by Kolkhorst (Relating to the prohibition of signs on certain roads.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code by adding certain highways located in Austin County to those highways to which an off-premise sign is prohibited from being erected if it would be adjacent to or visible from the highway.

The county clerk in an affected county would be required to notify, within 45 days of the effective date of the bill, each applicable landowner and publish in a newspaper notice that the specific parcels of land would be affected by the statute and how to seek exclusion. The county clerk would be required to notify the Texas Department of Transportation (TxDOT) in writing by certified mail when the notice is mailed to the landowners and published. The bill would authorize TxDOT to exclude a landowner's property from the prohibition of erecting an off-premise sign adjacent to and visible from certain roads if the landowner submits an application as provided within the provisions of the bill. The prohibition of signs would take effect on the 91st day after TxDOT receives notification from all appropriate county clerks regarding having notified landowners.

It is assumed that TxDOT and county clerks could implement provisions of the bill utilizing existing resources.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KJG, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 13, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1521 by Kolkhorst (Relating to the prohibition of signs on certain roads.), **Committee Report 1st House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code by adding certain highways located in Austin County to those highways to which an off-premise sign is prohibited from being erected if it would be adjacent to or visible from the highway. In addition, the bill would authorize the Texas Department of Transportation (TxDOT) to exclude a landowner's property from the prohibition if the landowner submits an application as provided within the provisions of the bill. The county clerk in the affected county would be required to notify each applicable landowner and publish in a newspaper notice that the specific parcels of land would be affected by the change in statute and how to seek exclusion.

It is assumed that implementation of the provisions of the bill affecting TxDOT would be absorbed within current resources.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KJG, DB

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 28, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1521 by Kolkhorst (Relating to the prohibition of signs on certain roads.), **As Introduced**

No fiscal implication to the State is anticipated.

According to analysis submitted by the Texas Department of Transportation, there would be no fiscal impact from implementing provisions of the bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, DB

