

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Murphy

H.B. No. 2944

A BILL TO BE ENTITLED

AN ACT

relating to permits for erecting certain outdoor signs or advertising.

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

SECTION 1. Section 391.068, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the ~~[The]~~ commission shall issue a permit to a person with a license issued under this subchapter:

(1) whose license application complies with rules adopted under Section 391.065; and

(2) whose outdoor advertising, whether owned or leased, if erected would comply with this chapter and rules adopted under Section 391.032(a).

(d) In addition to the requirements of Subsection (a), if the outdoor advertising is located within the jurisdiction of a municipality with a population of more than 1.9 million that is exercising its authority to regulate outdoor advertising, the commission may issue a permit under this section only if the municipality:

(1) has not acted to prohibit new outdoor advertising within the jurisdiction of the municipality; and

(2) has issued a permit authorizing the outdoor

1 advertising.

2 SECTION 2. Section 394.021, Transportation Code, is amended  
3 by adding Subsection (c) to read as follows:

4 (c) If the off-premise sign is located within the  
5 jurisdiction of a municipality with a population of more than 1.9  
6 million that is exercising its authority to regulate off-premise  
7 signs, the commission may not issue a permit under this section if  
8 the municipality has acted to prohibit new off-premise signs within  
9 the jurisdiction of the municipality.

10 SECTION 3. Section 394.022, Transportation Code, is amended  
11 to read as follows:

12 Sec. 394.022. ISSUANCE OF PERMIT. The commission shall  
13 issue a permit to a person:

14 (1) whose application complies with commission rule;  
15 (2) [and] whose sign, if erected, would comply with  
16 the requirements of this chapter; and

17 (3) who, if the off-premise sign is located within the  
18 jurisdiction of a municipality with a population of more than 1.9  
19 million that is exercising its authority to regulate off-premise  
20 signs, has obtained a permit for the off-premise sign.

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

# ADOPTED

MAY 23 2007

*Atty. Gen.*  
Secretary of the Senate

By: Murphy/  
Ullrich H.B. No. 2944  
Substitute the following for H.B. No. 2944:  
By: Watson C.S.H.B. No. 2944

## A BILL TO BE ENTITLED

### AN ACT

relating to permits for erecting certain outdoor signs or advertising.

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

SECTION 1. Section 391.068, Transportation Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) Except as provided by Subsection (d), the ~~[The]~~ commission shall issue a permit to a person with a license issued under this subchapter:

(1) whose license application complies with rules adopted under Section 391.065; and

(2) whose outdoor advertising, whether owned or leased, if erected would comply with this chapter and rules adopted under Section 391.032(a).

(d) In addition to the requirements of Subsection (a), if the outdoor advertising is located within the jurisdiction of a municipality with a population of more than 1.9 million that is exercising its authority to regulate outdoor advertising, the commission may issue a permit under this section only if the municipality:

(1) has not acted to prohibit new outdoor advertising within the jurisdiction of the municipality; and

(2) has issued a permit authorizing the outdoor

1 advertising.

2 (e) Subsection (d) does not apply to the relocation of  
3 outdoor advertising to another location if the construction,  
4 reconstruction, or expansion of a highway requires the removal of  
5 the outdoor advertising.

6 SECTION 2. Section 394.021, Transportation Code, is amended  
7 by adding Subsection (c) to read as follows:

8 (c) If the off-premise sign is located within the  
9 jurisdiction of a municipality with a population of more than 1.9  
10 million that is exercising its authority to regulate off-premise  
11 signs, the commission may not issue a permit under this section if  
12 the municipality has acted to prohibit new off-premise signs within  
13 the jurisdiction of the municipality.

14 SECTION 3. Section 394.022, Transportation Code, is amended  
15 to read as follows:

16 Sec. 394.022. ISSUANCE OF PERMIT. (a) The commission  
17 shall issue a permit to a person:

18 (1) whose application complies with commission rule;  
19 (2) [and] whose sign, if erected, would comply with  
20 the requirements of this chapter; and

21 (3) who, if the off-premise sign is located within the  
22 jurisdiction of a municipality with a population of more than 1.9  
23 million that is exercising its authority to regulate off-premise  
24 signs, has obtained a permit for the off-premise sign.

25 (b) Subsection (a)(3) does not apply to the relocation of an  
26 off-premise sign to another location if the construction,  
27 reconstruction, or expansion of a highway requires the removal of

1 the off-premise sign.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 18, 2007**

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

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

**IN RE: HB2944** by Murphy (Relating to permits for erecting certain outdoor signs or advertising.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to specify that, with respect to outdoor advertising located within the jurisdiction of a municipality with a population greater than 1.9 million that is exercising its authority to regulate outdoor advertising, the Texas Transportation Commission may issue a permit for outdoor advertising only if the municipality has not acted to prohibit new outdoor advertising within its jurisdiction, and has issued a permit authorizing the outdoor advertising.

Based on the analysis of the Texas Department of Transportation, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2007.

**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:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

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

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

**IN RE: HB2944** by Murphy (Relating to permits for erecting certain outdoor signs or advertising.),  
**As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
-----------------------------------------------------------------------

The bill would amend the Transportation Code to specify that, with respect to outdoor advertising located within the jurisdiction of a municipality with a population greater than 1.9 million that is exercising its authority to regulate outdoor advertising, the Texas Transportation Commission may issue a permit for outdoor advertising only if the municipality has not acted to prohibit new outdoor advertising within its jurisdiction, and has issued a permit authorizing the outdoor advertising.

Based on the analysis of the Texas Department of Transportation, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2007.

**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:** 601 Department of Transportation

**LBB Staff:** JOB, TG, KJG

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 19, 2007**

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

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

**IN RE: HB2944** by Murphy (Relating to permits for erecting certain outdoor signs or advertising.),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to specify that, with respect to outdoor advertising located within the jurisdiction of a municipality with a population greater than 1.9 million that is exercising its authority to regulate outdoor advertising, the Texas Transportation Commission may issue a permit for outdoor advertising only if the municipality has not acted to prohibit new outdoor advertising within its jurisdiction, and has issued a permit authorizing the outdoor advertising.

Based on the analysis of the Texas Department of Transportation, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2007.

**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:** 601 Department of Transportation

**LBB Staff:** JOB, TG, KJG



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 9, 2007**

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

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

**IN RE: HB2944** by Murphy (Relating to permits for erecting certain outdoor signs or advertising.),  
**As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to specify that, with respect to outdoor advertising located within the jurisdiction of a political subdivision that is exercising its authority to regulate outdoor advertising, the Texas Transportation Commission may issue a permit for outdoor advertising only if the political subdivision has not acted to prohibit new outdoor advertising within its jurisdiction, and has issued a permit authorizing the outdoor advertising.

Based on the analysis of the Texas Department of Transportation, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agency's existing resources.

The bill would take effect on September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, TG