

SUBJECT: Limits to county and municipal regulation of amateur radio operation

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 8 ayes — Walker, Crabb, Bosse, F. Brown, Howard, Krusee, Mowery, B. Turner
0 nays
1 absent — Hardcastle

WITNESSES: For — Michael D. Check, San Antonio Radio Club; Karl Silverman, Johnson Space Center Amateur Club and Clear Lake Amateur Radio Club; Alan J. Wormser, Austin Amateur Radio Club; Don Dudley; James S. Greenwood; Dallas Mellichamp; Robert B. Morgan; Deborah Silverman; Roger Wines
Against — None

DIGEST: HB 1345 would amend the Local Government Code to limit city and county regulation of amateur radio antennas. County and municipal ordinances would have to comply with Federal Communications Commission (FCC) guidelines, which stipulate that local ordinances must reasonably accommodate amateur communications and must represent the minimum practicable regulation necessary to enforce health and safety standards and aesthetic considerations. County and municipal ordinances would have to comply with FCC regulations related to amateur radio operation as listed in the Code of Federal Regulations.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: FCC guidelines established in 1985 forbid unnecessary restrictions on amateur radio operators. By incorporating FCC guidelines into state law, HB 1345 would provide a clear reference point to help local officials regulate commercial radio towers without violating the rights of amateur radio operators. Florida, Massachusetts, New Hampshire, Virginia, Washington, and Wyoming have enacted similar legislation incorporating the intent of the 1985 FCC guidelines into state law.

Texas municipalities and counties have adopted ordinances that prohibit radio towers, restrict their size, or charge fees for their use. These ordinances often are intended to prohibit or restrict towers used for cellular phones and other commercial purposes, but many also prohibit or restrict the use of amateur radio towers.

Amateur radio operators often help public safety officials during natural disasters by maintaining communication links with affected areas. In this capacity, they perform a vital volunteer service for Texas and the nation. Excessive restrictions on amateur radio towers could hinder the ability of private citizens and public officials to respond to natural disasters. Restrictions also could infringe on the rights of operators to practice their hobby even though they are complying with local health and safety standards.

HB 1345 is limited in intent and would not prevent counties and municipalities from prohibiting or restricting towers used for cellular phones or other commercial purposes. It would recognize the need for local officials to enforce reasonable health and safety standards. The bill would not affect neighborhood deed restrictions, covenants, or other voluntary contracts signed by residents of privately managed subdivisions.

OPPONENTS
SAY:

No apparent opposition.