

BILL ANALYSIS

Senate Research Center

C.S.S.B. 446
By: Haywood
State Affairs
3-5-97
Committee Report (Substituted)

DIGEST

Currently, Texas is subject to the Federal Highway Beautification Act of 1965. The Federal Highway Beautification Act requires the state to control outdoor advertising along any highway on the National Highway System (NHS). In 1972, Texas adopted the Texas Highway Beautification Act in response to the federal law. The federal law and the state law allow specific exemptions for certain types of signs, such as official traffic signs, on-premise advertising or signs advertising property for sale of lease. There is no exemption for political signs that are placed on private property located on these federally assisted roads. It is against the law for a property owner to place a campaign sign on his own property if the owner resides on one of these federally assisted highways. Texas may be subject to sanctions for significant monetary amounts if it does not control signs visible from federal-aid primary highways. S.B. 446 outlines provisions regarding the posting of political signs on private property along certain highways.

PURPOSE

As proposed, C.S.S.B. 446 outlines provisions regarding the posting of political signs on private property along certain highways.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 391A, Transportation Code, by adding Section 391.005, as follows:

Sec. 391.005. EXEMPTION. Sets forth instances in which this chapter does not apply to a sign erected solely for and relating to a public election.

SECTION 2. (a) Provides that this Act takes effect on the first day of the calendar month following the date the Texas Transportation Commission determines that the implementation of Section 391.005, Transportation Code, as added by this Act, will not result in the loss of highway-related funds from the federal government. Requires the commission to endeavor to make a determination under this subsection as soon as practical after this Act becomes law. Authorizes the commission to seek the opinion of an officer or employee of the federal government, the attorney general of this state, or any other appropriate person in making a determination under this subsection.

(b) Requires the commission to provide notice of the determination to the secretary of state for inclusion in the Texas Register if a determination is made under Subsection (a). Provides that if a determination is made under Subsection (a) of this section, this Act has no effect.

(c) Authorizes the commission to delegate any of its responsibilities under this Act to the executive director of the Texas Department of Transportation.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 2, to transfer authority from the Texas Department of Transportation to the Texas Transportation Commission regarding the effective date for this Act.