

## **BILL ANALYSIS**

Senate Research Center

H.B. 1345  
By: Gray (Jackson)  
Intergovernmental Relations  
4/8/1999  
Committee Report (Amended)

### **DIGEST**

Currently, Texas law does not provide guidelines to regulate antennas for amateur radio operators. H.B. 1345 would require an ordinance by a municipality or county to regulate amateur radio antennas, and to comply with the Code of Federal Regulations and Federal Communications Commission.

### **PURPOSE**

As proposed, H.B. 1345 regulates amateur radio antennas to comply with the Code of Federal Regulations and Federal Communications Commission.

### **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 250, Local Government Code, by adding Section 250.002, as follows:

Sec. 250.002. REGULATION OF AMATEUR RADIO ANTENNAS. Prohibits a municipality or county from enacting or enforcing an ordinance or order that does not comply with the ruling of the Federal Communications Commission (FCC) in "Amateur Radio Preemption, 101 F.C.C. 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97. Requires an ordinance or order to meet certain conditions, if a municipality or county adopts an ordinance or order involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions. Provides that this section does not prohibit a municipality or county from taking any action to protect or preserve a historic, historical, or architectural district that is established by the municipality or county or under state or federal law.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 250.002(c), Local Government Code, to provide that this section does not prohibit a municipality or county from taking any action to protect or preserve a historic, historical, or architectural district that is established by the municipality or county or under state or federal law.