

BILL ANALYSIS

Senate Research Center
79R16310 E

C.S.S.B. 1375
By: Staples
Transportation & Homeland Security
5/6/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, outdoor advertising ordinances differ between municipalities. Certain municipalities have outdoor advertising ordinances that allow owners of outdoor advertising to relocate advertising in the event of a road widening or a construction project by a governmental entity, while others do not allow for any relocation.

C.S.S.B. 1375 makes municipal outdoor advertising ordinances consistent.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.0331, as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION. (a) Sets forth certain relocation conditions to which an owner of outdoor advertising is entitled if any outdoor advertising use, structure, or permit is not continued because of widening, construction, or reconstruction of a highway.

(b) Requires relocation under this chapter to be to a location where outdoor advertising is permitted under Section 391.031 (Acquisition of Outdoor Advertising by Commission) or other state law, commercial and industrial location requirements, or the Texas Department of Transportation (TxDOT) rules.

(c) Requires, if necessary, the county or municipality in which the use or structure is located to provide for the relocation by special exception to any applicable ordinance.

(d) Sets forth, subject to TxDOT rule, certain conditions for the construction and location of a relocated use or structure.

(e) Requires a governmental entity, if it prohibits the relocation of outdoor advertising as provided under this section, to pay just compensation as if it had made an acquisition by eminent domain under Section 391.033 (Acquisition of Outdoor Advertising by Commission).

SECTION 2. Amends Section 391.034, Transportation Code, by adding Subsection (d), to authorize TxDOT to remove outdoor advertising that is erected or maintained in violation of this chapter without payment of compensation to the owner or lessee.

SECTION 3. Effective date: September 1, 2005.