

Email Update on State Legislation Session

June 3, 2009

Hello scenic friends,

The good news is that this very strange session is over, no bad billboard bills passed, and we believe no bad provisions/amendments passed (dust hasn't quite settled yet). In addition there were a couple of good bills that passed which I will describe later in this message. The bad news is that it's not really over since the TxDOT Sunset bill (along with 4 other agency sunset bills) did not pass. Nor did a safety net bill pass that would have protected TxDOT from automatic sunset on 9/1/2010. There's also a small matter of the legislature's failure to approve \$2 billion in highway funding. So it appears likely that there will be a special session to address these issues.

As already mentioned, the sunset bill had some very good billboard administrative-type provisions in it, funding of the Green Ribbon Program, and, as of Saturday, no bad billboard provisions. But, in the end, the industry-stacked committee that we believed had been permanently removed from the bill, actually was put back in (we actually saw the bill on Sat a.m. with it out!). As I'm sure you've read, there was bad blood between the senate and house Transportation Committee members, and there was ultimately very bad blood, publicly aired, between Sens. Carona and Hegar, the senate bill author. So the bad provision came out and was reinserted in the blood flow. Bottom line for scenics, it was a good thing the bill failed. We will need to be extremely diligent with any special session bill. We are fortunate that Charles McMahan, one of the TxDOT Sunset commissioners, is a scenic supporter and will be working closely with us during the interim and the special session. Charles has a good working relationship with the bill authors. In addition, we are fortunate to have Bruce LaBoon's influence with key members. As a reminder Bruce is working on scenic issues in Austin through Advisory Board Member and scenic friend Harlan Crow. We remain extremely grateful to Harlan for his generosity to the mission.

On other fronts, the local billboard bills to protect individual roads and the Scenic Texas county option bill died in the House Transportation subcommittee due to opposition by the Chair, Joe Pickett, and the Vice Chair, Larry Phillips. All the local bills passed out of Carona's senate committee and the senate floor. But only one made it to the House local calendar (SH71 from Austin to Kerrville initiated by Advisory Board Member and Travis Co. Commissioner Karen Huber). Unfortunately it was killed by Rick Hardcastle from Vernon who is hundreds of miles from Travis County. Finally there was a heroic effort by Houston's QOL coalition to get billboard valuations and conditional permitting passed. They didn't pass but with the help of Charles McMahan and Bruce LaBoon, we were able to put those issues squarely on the table. We are optimistic that Sen. Carona will be addressing them in an interim study that he plans to have---and this one he says will be real.

HB875 (by Rob Eissler) was a bandit sign clean up bill that easily passed and has already been signed by the Governor. This clarifies the authority county attorneys have to pursue civil claims against those who erect or commission the erection of signs in the public ROW or on private property. I'm happy to announce that HB2642 and HB 2644 were passed by Carol Kent of Dallas/Garland. HB2642 created a historic roads/highways program for Texas and HB2644 designated the Bankhead Highway as the first official historic highway in Texas. We purposefully stayed away from the bills and the hearings so that the billboard lobbyists wouldn't interfere with her efforts in the belief that we were behind it. Apparently she did it at the request of a Garland city council member. These bills are pending the Gov's signature. This could be the legislative toe-hold for a state scenic byways program. The attached spreadsheet lists all the bills we followed and their status.

I'd like to note that we shouldn't overlook the importance of Scenic Texas having a presence in Austin. For the past five sessions we have succeeded in stopping every single bad effort by the billboard industry and are now called/consulted on sign bills as they move through the legislature. I am confident that but for Scenic Texas we would be seeing the following: state-sanctioned tree cutting for greater billboard visibility, billboard company super-rights for relocations, thousands of digital billboards erected even outside of cities, forced relocations or condemnations paid by cities for state highway projects, extraordinary hearing rights for billboard owners at TxDOT, property and leasehold rights transferred from landowners to billboard companies, digital billboards on the ROW, vegetation LOGOs on the ROW (both state and federal effort) and an industry-stacked committee to advise TxDOT on new regulations. It's hard to quantify the ugliness we can't see but it's critical to remember that the "unseen" ugliness may account for 90% of the reason we exist.

Let me know if you have any questions.

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