

## **BILL ANALYSIS**

Senate Research Center

S.B. 645  
By: Barrientos  
Intergovernmental Relations  
4/23/2005  
Committee Report (Amended)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, the authority to regulate outdoor lighting is enjoyed by counties located within 57 miles of the McDonald Observatory or within five miles of the George Observatory at Stephen F. Austin State University. As proposed, S.B. 645 allows certain counties to adopt orders governing the installation and use of outdoor lighting in the unincorporated areas of those counties. Such orders could provide standards for the shielding of outdoor lighting and specify the hours during which outdoor lighting could be used.

### **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 Chapter 240, Local Government Code, by adding Subchapter C, as follows:

#### **SUBCHAPTER C. OUTDOOR LIGHTING IN CERTAIN COUNTIES**

Sec. 240.041. DEFINITION. Defines "outdoor lighting."

Sec. 240.042. APPLICABILITY. Sets forth counties to which this subchapter applies.

Sec. 240.043. COUNTY REGULATORY AUTHORITY; ADOPTION OF ORDERS. Authorizes the commissioners court of the county to adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county. Authorizes the commissioners court to take certain actions relating to the orders. Authorizes the commissioners court to adopt an order under this subchapter only after conducting a public hearing on the proposed order. Requires the court to give at least two weeks' public notice of the hearing.

Sec. 240.044. INJUNCTION. Provides that the county, in a suit brought by the county attorney or other prosecuting attorney representing the county in district court, is entitled to appropriate injunctive relief to prevent the violation or threatened violation of an order adopted under this subchapter from continuing or occurring.

Sec. 240.054. [sic] GRANDFATHERED FACILITIES. Provides that this subchapter does not apply to outdoor lighting owned and maintained by a utility or the use of outdoor lighting for the purpose of the operations of an electric utility or a power generation company or a transmission and distribution utility as defined by Section 31.002, Utilities Code, or a gas utility as defined by Section 101.003 or 121.001, Utilities Code, or surface coal mining and reclamation operations as defined by Section 134.004, Natural Resources Code, existing prior to September 1, 2005.

SECTION 2. Effective date: upon passage or September 1, 2005.

### **SUMMARY OF COMMITTEE AMENDMENTS**

Amends S.B. 645 on page 2, between lines 14 and 15, by inserting new Section 240.054, as follows:

Sec. 254.054. [sic] GRANDFATHERED FACILITIES. Provides that this subchapter does not apply to outdoor lighting owned and maintained by a utility or the use of outdoor lighting for the purpose of the operations of an electric utility or a power generation company or a transmission and distribution utility as defined by Section 31.002, Utilities Code, or a gas utility as defined by Section 101.003 or 121.001, Utilities Code, or surface coal mining and reclamation operations as defined by Section 134.004, Natural Resources Code, existing prior to September 1, 2005.