

1-1 By: Barrientos S.B. No. 645
1-2 (In the Senate - Filed February 22, 2005; March 2, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 26, 2005, reported favorably, as amended, by the
1-5 following vote: Yeas 5, Nays 0; April 26, 2005, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Madla

1-7 Amend S.B. No. 645, in Section 1 of the bill, on page 1, between
1-8 lines 56 and 57, by inserting Section 240.045 to read as follows:

1-9 Sec. 240.045. GRANDFATHERED FACILITIES. This subchapter
1-10 does not apply to outdoor lighting owned and maintained by a utility
1-11 or to the use of outdoor lighting for the purpose of the operations
1-12 of an electric utility, a power generation company, or a
1-13 transmission and distribution utility, as defined by Section
1-14 31.002, Utilities Code, a gas utility, as defined by Section
1-15 101.003 or 121.001, Utilities Code, or surface coal mining and
1-16 reclamation operations as defined by Section 134.004, Natural
1-17 Resources Code, existing prior to September 1, 2005.

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the authority of certain counties to regulate the use of
1-21 outdoor lighting.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 240, Local Government Code, is amended
1-24 by adding Subchapter C to read as follows:

1-25 SUBCHAPTER C. OUTDOOR LIGHTING IN CERTAIN COUNTIES

1-26 Sec. 240.041. DEFINITION. In this subchapter, "outdoor
1-27 lighting" has the meaning assigned by Section 240.031.

1-28 Sec. 240.042. APPLICABILITY. This subchapter applies only
1-29 to:

1-30 (1) a county that has a population of more than 800,000
1-31 and that is not adjacent to a county with a population of more than
1-32 300,000; or

1-33 (2) a county adjacent to a county described by
1-34 Subdivision (1).

1-35 Sec. 240.043. COUNTY REGULATORY AUTHORITY; ADOPTION OF
1-36 ORDERS. (a) The commissioners court of the county may adopt
1-37 orders regulating the installation and use of outdoor lighting in
1-38 any unincorporated territory of the county.

1-39 (b) In the orders, the commissioners court may:

1-40 (1) require that a permit be obtained from the county
1-41 before the installation and use of certain types of outdoor
1-42 lighting in a regulated area;

1-43 (2) establish a fee for the issuance of the permit;

1-44 (3) establish requirements for the shielding of
1-45 outdoor lighting; and

1-46 (4) regulate the times during which certain types of
1-47 outdoor lighting may be used.

1-48 (c) The commissioners court may adopt an order under this
1-49 subchapter only after conducting a public hearing on the proposed
1-50 order. The court shall give at least two weeks' public notice of
1-51 the hearing.

1-52 Sec. 240.044. INJUNCTION. The county, in a suit brought by
1-53 the county attorney or other prosecuting attorney representing the
1-54 county in district court, is entitled to appropriate injunctive
1-55 relief to prevent the violation or threatened violation of an order
1-56 adopted under this subchapter from continuing or occurring.

1-57 SECTION 2. This Act takes effect immediately if it receives
1-58 a vote of two-thirds of all the members elected to each house, as
1-59 provided by Section 39, Article III, Texas Constitution. If this
1-60 Act does not receive the vote necessary for immediate effect, this
1-61 Act takes effect September 1, 2005.

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S.B. No. 645