

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 22, 2005**

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB768** by Wentworth (Relating to the authority of counties to regulate the use of outdoor lighting; providing a penalty.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would authorize a county commissioners court to adopt reasonable specifications applicable in a subdivision to minimize the negative effects of outdoor lighting. The commissioners court would also be authorized to adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county. The orders may include requiring obtaining a permit to install or use certain types of outdoor lighting and imposing a fee for issuing the permit. A public hearing would be required prior to the commissioners adopting an order. Provisions of the bill would not apply to outdoor lighting that was installed or used before the effective date of the order and is owned or maintained by a utility or is related to the operations of certain utilities and operations.

Violation of an order would be a Class C misdemeanor. Both civil and criminal enforcement would be allowed against a person who commits a violation.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated from posting notice of and conducting a public hearing, from administering the orders, or from enforcing, prosecuting, and punishing an offense related to orders regulating outdoor lighting.

**Source Agencies:**

**LBB Staff:** JOB, DLBa