

BILL ANALYSIS

C.S.H.B. 1852
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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The military has an important and historic presence in Texas. It is a cornerstone of many local economies in the state. The continued viability of military installations is an ongoing concern for local governments. These installations must meet functional requirements, such as the ability to host night time exercises, in order to prove their utility to the military.

To protect installations' functionality, CSHB 1852 allows the commissioners court of a county whose unincorporated areas border an active duty military installation to regulate lighting at the request of the military installation commander.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 1852 amends the Local Government Code to define "agricultural use" and to allow the commissioners court of a county, which is located immediately adjacent to a military installation, to regulate the installation and use of outdoor lighting within five miles of the installation, in any unincorporated territory of the county, at the request of the installation's commanding officer. The orders must be designed to protect against the use of outdoor lighting that interferes with the military and training activities of the military installation. The commissioners court may establish a fee to cover the costs of the administration of the order in the issuance of the permit. Further, CSHB 1852 amends the Local Government Code to specify exceptions for certain outdoor lighting. Lighting that was installed or used previous to the effective date of the order and is necessary for the operations of some utilities, is owned or maintained for a single family residence, agricultural use or correctional facility use, among others, is excepted.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute added the "agricultural use" definition and the exceptions for lighting that was installed or used previous to the effective date of the order and is necessary for the operations of some utilities, is owned or maintained for a single family residence, agricultural use or correctional facility use, among others.