

BILL ANALYSIS

Senate Research Center
80R16929 MSE-F

C.S.H.B. 1852
By: Corte, Frank (Van de Putte)
Veteran Affairs & Military Installations
4/26/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 exercises, in order to be useful to the military.

C.S.H.B. 1852 authorizes a county whose unincorporated areas border an active duty military installation to regulate the usage of outdoor lighting in those areas at the request of the military installation commander.

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 Section 240.031, Local Government Code, by adding Subdivision (4) to define "agricultural use."

SECTION 2. Amends the heading to Subchapter B, Chapter 240, Local Government Code, to read as follows:

SUBCHAPTER B. OUTDOOR LIGHTING NEAR OBSERVATORIES AND MILITARY INSTALLATIONS

SECTION 3. Amends Section 240.032, Local Government Code, by adding Subsection (b-1) and amending Subsections (c) and (d), as follows:

(b-1) Authorizes the commissioners court of a county, any part of which is located immediately adjacent to a United States military installation (installation), base, or camp, on the request of an installation, base, or camp commanding officer, to adopt orders regulating the installation and use of outdoor lighting within five miles of the installation, base, or camp in any unincorporated territory of the county.

(c) Authorizes the commissioners court, in such orders, to establish a fee in an amount to cover the costs of administrating the order of the issuance of a permit, in addition to certain other actions set forth in this subsection. Makes conforming changes.

(d) Makes a conforming change.

SECTION 4. Amends Subchapter B, Chapter 240, Local Government Code, by adding Section 240.0325, as follows:

Sec. 240.0325. EXCEPTION FOR CERTAIN OUTDOOR LIGHTING. Prohibits the commissioners court from adopting an order under Section 240.032 (County Regulatory Authority; Adoption of Orders) regulating the installation and use of outdoor lighting that is located within five miles of a military installation, base, or camp located in the unincorporated area of a county that meets certain conditions.

SECTION 5. Effective date: upon passage or September 1, 2007.