

AN ACT

relating to the authority of a county to regulate the installation and use of lighting in certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 240.031, Local Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Agricultural use" has the meaning assigned by Section 23.51, Tax Code.

SECTION 2. The heading to Subchapter B, Chapter 240, Local Government Code, is amended to read as follows:

SUBCHAPTER B. OUTDOOR LIGHTING NEAR

OBSERVATORIES AND MILITARY INSTALLATIONS

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

(b-1) On the request of a United States military installation, base, or camp commanding officer, the commissioners court of a county, any part of which is located immediately adjacent to the installation, base, or camp, may 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) The orders must be designed to protect against the use of outdoor lighting in a way that interferes with scientific

1 astronomical research of the observatory or military and training
2 activities of the military installation, base, or camp. In the
3 orders, the commissioners court may:

4 (1) require that a permit be obtained from the county
5 before the installation and use of certain types of outdoor
6 lighting in a regulated area;

7 (2) establish a fee in an amount to cover the costs of
8 administrating the order for the issuance of the permit;

9 (3) prohibit the use of a type of outdoor lighting that
10 is incompatible with the effective use of the observatory or
11 military installation, base, or camp;

12 (4) establish requirements for the shielding of
13 outdoor lighting; and

14 (5) regulate the times during which certain types of
15 outdoor lighting may be used.

16 (d) The commissioners court may apply more stringent
17 standards for areas in which the use of outdoor lighting has a
18 greater impact on observatory or military installation, base, or
19 camp activities.

20 SECTION 4. Subchapter B, Chapter 240, Local Government
21 Code, is amended by adding Section 240.0325 to read as follows:

22 Sec. 240.0325. EXCEPTION FOR CERTAIN OUTDOOR LIGHTING. The
23 commissioners court may not adopt an order under Section 240.032
24 regulating the installation and use of outdoor lighting that is
25 located within five miles of a military installation, base, or camp
26 located in the unincorporated area of a county and:

27 (1) was installed or used before the effective date of

1 the order and is necessary for the operations of:

2 (A) an electric utility, power generation
3 company, or transmission and distribution utility, as those terms
4 are defined by Section 31.002, Utilities Code;

5 (B) an electric cooperative or a municipally
6 owned utility, as those terms are defined by Section 11.003,
7 Utilities Code;

8 (C) a gas utility, as defined by Section 101.003
9 or 121.001, Utilities Code;

10 (D) surface coal mining and reclamation
11 operations, as defined by Section 134.004, Natural Resources Code;

12 (E) a telecommunications provider, as defined by
13 Section 51.002, Utilities Code, or its affiliates; or

14 (F) a manufacturing facility required by Texas
15 Commission on Environmental Quality rule to hold a permit; or

16 (2) is owned or maintained for the purpose of
17 illuminating:

18 (A) a tract of land that is maintained as a single
19 family residence and that is located outside the boundaries of a
20 platted subdivision;

21 (B) a tract of land maintained for agricultural
22 use;

23 (C) an activity that takes place on a tract of
24 land maintained for agricultural use;

25 (D) structures or related improvements located
26 on a tract of land maintained for agricultural use; or

27 (E) a correctional facility operated by or under

1 a contract with the Texas Department of Criminal Justice.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1852 was passed by the House on April 5, 2007, by the following vote: Yeas 139, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1852 on May 14, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1852 was passed by the Senate, with amendments, on May 8, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor