

By: Corte

H.B. No. 1852

Substitute the following for H.B. No. 1852:

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C.S.H.B. No. 1852

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

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

11 SUBCHAPTER B. OUTDOOR LIGHTING NEAR
12 OBSERVATORIES AND MILITARY INSTALLATIONS

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

16 (b-1) On the request of a United States military
17 installation, base, or camp commanding officer, the commissioners
18 court of a county, any part of which is located immediately adjacent
19 to the installation, base, or camp, may adopt orders regulating the
20 installation and use of outdoor lighting within five miles of the
21 installation, base, or camp in any unincorporated territory of the
22 county.

23 (c) The orders must be designed to protect against the use
24 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:

25 (1) was installed or used before the effective date of
26 the order and is necessary for the operations of:

27 (A) an electric utility, power generation

1 company, or transmission and distribution utility, as those terms
2 are defined by Section 31.002, Utilities Code;

3 (B) a gas utility, as defined by Section 101.003
4 or 121.001, Utilities Code;

5 (C) surface coal mining and reclamation
6 operations, as defined by Section 134.004, Natural Resources Code;
7 or

8 (D) a telecommunications provider, as defined by
9 Section 51.002, Utilities Code, or its affiliates; or

10 (2) is owned or maintained for the purpose of
11 illuminating:

12 (A) a tract of land that is maintained as a single
13 family residence and that is located outside the boundaries of a
14 platted subdivision;

15 (B) a tract of land maintained for agricultural
16 use;

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

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

21 (E) a correctional facility operated by or under
22 a contract with the Texas Department of Criminal Justice.

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