

By: Corte

H.B. No. 1852

A BILL TO BE ENTITLED

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

(1) require that a permit be obtained from the county

1 before the installation and use of certain types of outdoor  
2 lighting in a regulated area;

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

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

8 (4) establish requirements for the shielding of  
9 outdoor lighting; and

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

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

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