

SENATE AMENDMENTS

2nd Printing

By: Gallego

H.B. No. 2857

A BILL TO BE ENTITLED

AN ACT

relating to regulation of outdoor lighting in certain areas;
providing a criminal penalty and for injunctive relief.

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

SECTION 1. Chapter 229, Local Government Code, is amended
by adding Subchapter B to read as follows:

SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING

Sec. 229.051. DEFINITIONS. In this subchapter, "major astronomical observatory" and "outdoor lighting" have the meanings assigned by Section 240.031.

Sec. 229.052. APPLICABILITY. (a) This subchapter applies to a municipality located in a county any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory.

(b) This subchapter does not apply to:

(1) outdoor lighting in existence or under construction on September 1, 2011; or

(2) the installation, maintenance, repair, or replacement of outdoor lighting owned or operated by an electric utility as defined by Section 31.002, Utilities Code.

Sec. 229.053. REGULATION OF OUTDOOR LIGHTING. (a) The governing body of a municipality by ordinance shall regulate the installation and use of outdoor lighting.

(b) An ordinance adopted under this section must be designed

1 to protect against the use of outdoor lighting in a way that
2 interferes with scientific astronomical research of an
3 observatory.

4 (c) In the ordinance, the governing body may:

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

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

10 (3) prohibit the use of a type of outdoor lighting that
11 is incompatible with the effective use of an observatory;

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 governing body may apply more stringent standards
17 for areas in which the use of outdoor lighting has a greater impact
18 on observatory activities.

19 (e) The governing body may adopt an ordinance under this
20 section only after conducting a public hearing on the proposed
21 ordinance. The governing body shall give at least two weeks' public
22 notice of the hearing.

23 Sec. 229.054. REGULATION OF SUBDIVISIONS. (a) The
24 governing body of a municipality by ordinance shall establish
25 standards relating to proposed subdivisions to minimize the
26 interference with observatory activities caused by outdoor
27 lighting.

1 (b) The governing body may not approve a subdivision plat
2 unless the plat provides that outdoor lighting will comply with
3 standards adopted under this section.

4 Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality
5 may sue in any court to enjoin a violation of this subchapter.

6 (b) A person who violates an ordinance adopted under this
7 subchapter commits an offense. An offense under this section is a
8 Class C misdemeanor.

9 SECTION 2. Section 240.032(a), Local Government Code, is
10 amended to read as follows:

11 (a) The [~~On the request of the director of McDonald~~
12 ~~Observatory, the~~] commissioners court of a county, any part of
13 which is located within 57 miles of a major astronomical
14 observatory at the McDonald Observatory, shall [~~may~~] adopt orders
15 regulating the installation and use of outdoor lighting in any
16 unincorporated territory of the county.

17 SECTION 3. Section 240.033, Local Government Code, is
18 amended by amending Subsection (b) and adding Subsections (c) and
19 (d) to read as follows:

20 (b) The commissioners court of a county, any part of which
21 is located within 57 miles of a major astronomical observatory at
22 the McDonald Observatory, shall adopt orders establishing
23 standards relating to proposed subdivisions to minimize the
24 interference with observatory activities caused by outdoor
25 lighting.

26 (c) The commissioners court of a county, any part of which
27 is located [~~or~~] within five miles of a major astronomical

1 observatory at the George Observatory or the Stephen F. Austin
2 State University Observatory, may adopt orders establishing
3 standards relating to proposed subdivisions [~~in order~~] to minimize
4 the interference with observatory activities caused by outdoor
5 lighting.

6 (d) A ~~The~~ commissioners court that adopts orders under
7 this section may not approve a plat of a proposed subdivision that
8 does not meet the standards established in the orders.

9 SECTION 4. Chapter 229, Local Government Code, is amended
10 by designating Sections 229.001, 229.002, and 229.003 as Subchapter
11 A and adding a heading for Subchapter A to read as follows:

12 SUBCHAPTER A. REGULATION OF FIREARMS AND EXPLOSIVES

13 SECTION 5. Section 240.031(3), Local Government Code, is
14 repealed.

15 SECTION 6. This Act takes effect January 1, 2012.

ADOPTED

MAY 25 2011

Atty. Gen.
Secretary of the Senate

By: *C. Christ*

H.B. No. 2857

Substitute the following for H.B. No. 2857:

By: *M. Stull*

C.S. H.B. No. 2857

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7 SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING

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10 assigned by Section 240.031.

11 Sec. 229.052. APPLICABILITY. (a) This subchapter applies
12 to a municipality located in a county any part of which is located
13 within 57 miles of a major astronomical observatory at the McDonald
14 Observatory.

15 (b) This subchapter does not apply to:

16 (1) outdoor lighting in existence or under
17 construction on January 1, 2012; or

18 (2) the installation, maintenance, repair, or
19 replacement of outdoor lighting owned or operated by an electric
20 utility as defined by Section 31.002, Utilities Code.

21 Sec. 229.053. REGULATION OF OUTDOOR LIGHTING. (a) The
22 governing body of a municipality by ordinance shall regulate the
23 installation and use of outdoor lighting.

24 (b) An ordinance adopted under this section must be designed

1 to protect against the use of outdoor lighting in a way that
2 interferes with scientific astronomical research of an
3 observatory.

4 (c) In the ordinance, the governing body may:

5 (1) require that a permit be obtained from the
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7 outdoor lighting in a regulated area;

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16 (d) The governing body may apply more stringent standards
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18 on observatory activities.

19 (e) The governing body may adopt an ordinance under this
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21 ordinance. The governing body shall give at least two weeks' public
22 notice of the hearing.

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24 governing body of a municipality by ordinance shall establish
25 standards relating to proposed subdivisions to minimize the
26 interference with observatory activities caused by outdoor
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1 (b) The governing body may not approve a subdivision plat
2 unless the plat provides that outdoor lighting will comply with
3 standards adopted under this section.

4 Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality
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16 unincorporated territory of the county.

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18 amended by amending Subsection (b) and adding Subsections (c) and
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20 (b) The commissioners court of a county, any part of which
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22 the McDonald Observatory, shall adopt orders establishing
23 standards relating to proposed subdivisions to minimize the
24 interference with observatory activities caused by outdoor
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26 (c) The commissioners court of a county, any part of which
27 is located [~~or~~] within five miles of a major astronomical

1 observatory at the George Observatory or the Stephen F. Austin
2 State University Observatory, may adopt orders establishing
3 standards relating to proposed subdivisions [~~in order~~] to minimize
4 the interference with observatory activities caused by outdoor
5 lighting.

6 (d) A [The] commissioners court that adopts orders under
7 this section may not approve a plat of a proposed subdivision that
8 does not meet the standards established in the orders.

9 SECTION 4. Chapter 229, Local Government Code, is amended
10 by designating Sections 229.001, 229.002, and 229.003 as Subchapter
11 A and adding a heading for Subchapter A to read as follows:

12 SUBCHAPTER A. REGULATION OF FIREARMS AND EXPLOSIVES

13 SECTION 5. Section 240.031(3), Local Government Code, is
14 repealed.

15 SECTION 6. This Act takes effect January 1, 2012.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2857 by Gallego (Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SD, KKR, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 12, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2857 by Gallego (Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 10, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB2857** by Gallego (Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB2857** by Gallego (Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB2857** by Gallego (Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, TP