

## **BILL ANALYSIS**

C.S.H.B. 298  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, certain municipalities may regulate outdoor lighting within municipal limits. In addition to providing environmental benefits, this regulation also benefits communities, as light pollution can contribute to human health issues such as obesity, depression, and sleep disorders. However, this regulation does not extend to a municipality's extraterritorial jurisdiction. When a municipality's extraterritorial jurisdiction is significantly larger than the municipality itself, its ability to preserve dark skies can be limited. C.S.H.B. 298 seeks to address these concerns by providing for outdoor lighting regulation by a municipality that has received an International Dark Sky Community designation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 298 amends the Local Government Code to authorize the governing body of a municipality that has received an International Dark Sky Community designation by ordinance to regulate the installation and use of outdoor lighting in the municipality and the municipality's extraterritorial jurisdiction. The bill prohibits an ordinance from requiring outdoor lighting constructed before the date the ordinance is adopted to be brought into compliance with the ordinance before the later of September 1, 2026, or the fifth anniversary of the date the ordinance is adopted. The bill prohibits an ordinance from applying to outdoor lighting that is constructed before the date the ordinance is adopted and that is located on residential property with four or fewer dwelling units located in the municipality's extraterritorial jurisdiction, except that a municipality may apply an ordinance to such outdoor lighting that is part of a property's renovation.

C.S.H.B. 298 does the following:

- authorizes a municipality to sue in any court to enjoin a violation of an ordinance adopted under the bill's provisions;
- makes a person who violates an ordinance liable for a civil penalty capped at \$500;
- grants a municipal court original jurisdiction over a violation of an ordinance alleged to have occurred in the municipality's extraterritorial jurisdiction; and
- establishes that the bill's provisions do not limit a municipality's authority to regulate outdoor lighting under other law or authority.

## **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 298 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute removes language that authorizes the governing body of a municipality that has applied for an International Dark Sky Community designation by ordinance to regulate the installation and use of outdoor lighting in the municipality and the municipality's extraterritorial jurisdiction.

The substitute does the following:

- removes a provision that restricts municipal regulation to outdoor lighting constructed or renovated on or after an ordinance's effective date;
- includes a provision that prohibits an ordinance from requiring outdoor lighting constructed before the date the ordinance is adopted to be brought into compliance with the ordinance before the later of September 1, 2026, or the fifth anniversary of the date the ordinance is adopted; and
- includes provisions that do the following:
  - prohibit an ordinance from applying to outdoor lighting that is constructed before the date the ordinance is adopted and that is located on residential property with four or fewer dwelling units located in the municipality's extraterritorial jurisdiction; and
  - authorize a municipality to apply an ordinance to such outdoor lighting that is part of a property's renovation.

The substitute changes the penalty for an ordinance violation from a Class C misdemeanor offense to a civil penalty capped at \$500. The substitute includes a provision that grants a municipal court original jurisdiction over a violation of an ordinance alleged to have occurred in the municipality's extraterritorial jurisdiction.

The substitute includes a provision establishing that the bill's provisions do not limit a municipality's authority to regulate outdoor lighting under other law or authority.