

- SUBJECT:** Outdoor lighting regulation by counties within five miles of military base
- COMMITTEE:** Defense and Veterans' Affairs —favorable, without amendment
- VOTE:** 9 ayes — Corte, Vaught, Chavez, Edwards, Farias, Maldonado, Ortiz, Pickett, C. Turner
- 0 nays
- WITNESSES:** For — Randall Anderson, U.S. Army Medical Department Center and School, Fort Sam Houston and Camp Bullis; James Cannizzo, US Army, Fort Sam Houston and Camp Bullis; Stanley Rasmussen, Assistant Secretary of the Army (Installations and Environment); (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; David Earl, Southeast Ranch Holdings, Val Verde Development Co.; Jim Lewis, McLennan Co.)
- Against — None
- BACKGROUND:** Local Government Code, sec. 240.032 allows counties to regulate outdoor lighting near military installations and observatories, if those facilities request such regulation. Counties must be adjacent to the military installation to implement outdoor lighting regulations, and the regulations apply only to unincorporated areas within five miles of the installation. The lighting regulations may include requiring a permit and a permit fee, the prohibition of lighting incompatible with the effective use of a military installation, outdoor lighting shielding requirements, or regulation of the times during which certain types of outdoor lighting may be used. Counties must conduct a public hearing on the proposed regulations and give two weeks' public notice of the hearing.
- DIGEST:** HB 1013 would remove a requirement that a military installation, base, or camp requesting lighting regulations from a county be located immediately adjacent to some part of that county. The bill would allow any county, on the request of a U.S. military installation, base or camp commanding officer, to regulate the installation and use of outdoor lighting within five miles of the installation, base, or camp in an unincorporated territory of that county.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

HB 1013 would improve the overall operations capabilities and nighttime mission effectiveness of those stationed in Texas and ultimately could reduce troop casualties. "Dark skies" allow the military to conduct critical nighttime operations, flights, and training, such as night vision training. The U.S. military has increasingly relied on night vision operations as it operates in remote areas of countries, such as Afghanistan, that have little outside light. Soldiers' ability to train in the same conditions faced in the field is critical in preventing accidents and other mishaps.

Bexar and Comal Counties issued "dark sky" regulations in July. This bill would allow Kendall County, which is not adjacent to but has an area within five miles of Camp Bullis, to do the same.

The bill would not require counties to impose lighting regulations, merely permit them to do so. The current requirements for public hearings and public notice still would apply, so any concerns over future proposed regulations could be heard in a public forum and given due consideration.

**OPPONENTS  
SAY:**

This bill would allow counties to impose potentially burdensome lighting regulations in additional areas that are not directly adjacent to military installations. Developers and businesses might have to pay to install more expensive lighting equipment and might have to submit to a more stringent permitting process.

**NOTES:**

The companion bill, SB 807 by Van de Putte, has been referred to the Senate Intergovernmental Relations Committee.