

BILL ANALYSIS

Senate Research Center

C.S.H.B. 164
By: Olivo (Armbrister)
Intergovernmental Relations
5/4/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

When artificial lighting is directed into the atmosphere, researchers at astronomical observatories encounter difficulty in viewing the surrounding skies for astronomical data. C.S.H.B. 164 authorizes counties within 57 miles of the McDonald Observatory or within five miles of the George Observatory or the Stephen F. Austin State University Observatory to regulate the installation and use of outdoor lighting in any unincorporated area of the county and to establish standards for proposed subdivisions in order to minimize interference with observatory activities caused by outdoor lighting.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 234.001(1), Local Government Code, to redefine “major astronomical observatory.”

SECTION 2. Amends Section 234.002, Local Government Code, to authorize the commissioners court of a county, any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory, on the request of the director of the McDonald Observatory, to adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county. Authorizes the commissioners court of a county, any part of which is located within five miles of a major astronomical observatory at the George Observatory or the Stephen F. Austin State University Observatory, on the request of the director of either observatory, to adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county. Requires the orders to be designed to protect against the use of outdoor lighting in a way that interferes with scientific astronomical research but prohibits the orders from being more restrictive than the lighting restrictions of any municipality any part of which is located within the applicable distances prescribed by this section.

SECTION 3. Amends Section 234.003(b), Local Government Code, to authorize the commissioners court of a county, any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory or within five miles of a major astronomical observatory at the George Observatory or the Stephen F. Austin State University Observatory, to adopt orders establishing standards relating to proposed subdivisions in order to minimize the interference with observatory activities caused by outdoor lighting.

SECTION 4. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by adding the proposed stipulation that orders adopted by a county commissioners court not be more restrictive than the lighting restrictions of any municipality any part of which is within the applicable distances to an observatory.