

## BILL ANALYSIS

Senate Research Center  
79R14335 KEG-F

C.S.S.B. 768  
By: Wentworth  
Intergovernmental Relations  
4/23/2005  
Committee Report (Substituted)

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Improper lighting may be detrimental to public health and safety and the quality of life in unincorporated areas. C.S.S.B. 768 authorizes a county commissioners court to adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county. It also permits a county or district attorney to sue to enjoin a violation, and makes it a Class C misdemeanor to violate the order adopted by the commissioners court.

### 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 232.003, Local Government Code, as follows:

Sec. 232.003. SUBDIVISION REQUIREMENTS. Adds the adoption of reasonable specifications applicable in the subdivision to minimize the negative effects of outdoor lighting to the list of actions authorized to be taken by the commissioners court, by an order adopted and entered in the minutes of the commissioners court, and after a notice is published in a newspaper of general circulation in the county.

SECTION 2. Amends Chapter 240, Local Government Code, by adding Subchapter C, to read as follows:

#### SUBCHAPTER C. OUTDOOR LIGHTING GENERALLY

Sec. 240.051. DEFINITIONS. Defines "outdoor lighting" "person," and "utility."

Sec. 240.052. COUNTY REGULATORY AUTHORITY; ADOPTION OF ORDERS.

(a) Authorizes the commissioners court of a county to adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county.

(b) Requires the orders to be designed to protect against the use of outdoor lighting in a manner that causes certain negative effects on public safety or the ability of another person to use and enjoy the person's private property.

(c) Authorizes the commissioners court, in the orders, to follow certain procedures and regulations.

(d) Authorizes the commissioners court to adopt orders that provide more stringent standards for certain areas of the county, as determined appropriate by the commissioners court.

(e) Authorizes the commissioners court to adopt orders under this subchapter only after conducting a public hearing on the proposed order. Requires the court to give at least two weeks' public notice of the hearing.

Sec. 240.053. ENFORCEMENT; PENALTY. (a) Authorizes a county or district attorney to sue in the district court to enjoin a violation of this subchapter.

(b) Provides that a person who knowingly violates an order adopted under this subchapter commits an offense. Provides that an offense under this section is a Class C misdemeanor.

(c) Authorizes both civil and criminal enforcement to be used against the same conduct.

Sec. 240.054. APPLICABILITY OF SUBCHAPTER. Prohibits the commissioners court from adopting an order under this subchapter regulating the installation and use of outdoor lighting that was installed or used before the effective date of the order and is owned or maintained by a utility or related to certain operations.

SECTION 3. Effective date: upon passage or September 1, 2005.