

1-1 AN ACT  
1-2 relating to the authority of counties to regulate outdoor lighting  
1-3 near major astronomical observatories.  
1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-5 SECTION 1. Section 234.001(1), Local Government Code, is  
1-6 amended to read as follows:  
1-7 (1) "Major astronomical observatory" means a facility  
1-8 that is established to conduct scientific observations of  
1-9 astronomical phenomena and is equipped with one or more telescopes  
1-10 [a telescope] that:  
1-11 (A) have objective diameters that total 69  
1-12 inches or more; and  
1-13 (B) are permanently mounted in enclosed  
1-14 buildings [has an aperture at least 75 inches in diameter].  
1-15 SECTION 2. Section 234.002, Local Government Code, is amended  
1-16 to read as follows:  
1-17 Sec. 234.002. COUNTY REGULATORY AUTHORITY; ADOPTION OF  
1-18 ORDERS. (a) On the request of the director of McDonald  
1-19 Observatory, the commissioners court of a county, any part of which  
1-20 is located within 57 miles of a major astronomical observatory at  
1-21 the McDonald Observatory, may adopt orders regulating the  
1-22 installation and use of outdoor lighting in any unincorporated  
1-23 territory of the county.  
1-24 (b) On the request of the director of the George Observatory  
2-1 or the Stephen F. Austin State University Observatory, the  
2-2 commissioners court of a county, any part of which is located  
2-3 within five miles of a major astronomical observatory at the George  
2-4 Observatory or the Stephen F. Austin State University Observatory,  
2-5 may adopt orders regulating the installation and use of outdoor  
2-6 lighting in any unincorporated territory of the county.  
2-7 (c) The orders must be designed to protect against the use  
2-8 of outdoor lighting in a way that interferes with scientific  
2-9 astronomical research. [(b)] In the orders, the commissioners  
2-10 court may:  
2-11 (1) require that a permit be obtained from the county  
2-12 before the installation and use of certain types of outdoor  
2-13 lighting in a regulated area;  
2-14 (2) establish a fee for the issuance of the permit;  
2-15 (3) prohibit the use of a type of outdoor lighting  
2-16 that is incompatible with the effective use of the observatory;  
2-17 (4) establish requirements for the shielding of  
2-18 outdoor lighting; and  
2-19 (5) regulate the times during which certain types of  
2-20 outdoor lighting may be used.  
2-21 (d) [(c)] The commissioners court may apply more stringent  
2-22 standards for areas in which the use of outdoor lighting has a  
2-23 greater impact on observatory activities.  
2-24 (e) [(d)] The commissioners court may adopt an order under  
2-25 this chapter only after conducting a public hearing on the proposed  
2-26 order. The court shall give at least two weeks' public notice of  
2-27 the hearing.  
3-1 SECTION 3. Section 234.003(b), Local Government Code, is  
3-2 amended to read as follows:  
3-3 (b) The commissioners court of a county, any part of which  
3-4 is located within 57 miles of a major astronomical observatory at  
3-5 the McDonald Observatory or within five miles of a major

3-6 astronomical observatory at the George Observatory or the Stephen  
3-7 F. Austin State University Observatory, may adopt orders  
3-8 establishing standards relating to proposed subdivisions in order  
3-9 to minimize the interference with observatory activities caused by  
3-10 outdoor lighting. The commissioners court may not approve a plat  
3-11 of a proposed subdivision that does not meet the standards.  
3-12 SECTION 4. This Act takes effect immediately if it receives  
3-13 a vote of two-thirds of all the members elected to each house, as  
3-14 provided by Section 39, Article III, Texas Constitution. If this  
3-15 Act does not receive the vote necessary for immediate effect, this  
3-16 Act takes effect September 1, 2001.

---

President of the Senate                      Speaker of the House  
I certify that H.B. No. 164 was passed by the House on April  
10, 2001, by the following vote: Yeas 148, Nays 0, 1 present, not  
voting.

---

Chief Clerk of the House  
I certify that H.B. No. 164 was passed by the Senate on May  
22, 2001, by the following vote: Yeas 30, Nays 0, 1 present, not  
voting.

---

Secretary of the Senate  
APPROVED: \_\_\_\_\_  
Date

---

Governor