

Amend **CSHB 3011** by adding the following section:

SECTION _____. Subsection (a), Section 217.042, Local Government Code, is amended to read as follows:

(a) The municipality may define and prohibit any nuisance within the limits of the municipality and, for a nuisance the definition of which does not address levels of emissions authorized in an air permit issued by the Texas Commission on Environmental Quality, within 5,000 feet outside the limits.

SECTION 2. Section 382.113, Health and Safety Code, is amended to read as follows:

Sec. 382.113. AUTHORITY OF MUNICIPALITIES. (a) Subject to Section 381.002, a municipality has the powers and rights as are otherwise vested by law in the municipality to:

(1) abate a nuisance; and

(2) enact and enforce an ordinance for the control and abatement of air pollution, or any other ordinance, not inconsistent with this chapter or the commission's rules, permits, or orders.

(b) An ordinance enacted by a municipality:

(1) must be consistent with this chapter and the commission's rules, permits, and orders;

(2) [and] may not make unlawful a condition or act approved or authorized under this chapter or the commission's rules, permits, or orders; and

(3) does not apply outside the corporate limits of the municipality.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.