

By: Smith of Harris

H.B. No. 3592

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting a municipality from enacting regulations on  
3 air pollution that apply outside its corporate limits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 217.042(a), Local Government Code, is  
6 amended to read as follows:

7 (a) The municipality may define and prohibit any nuisance  
8 within the limits of the municipality and, for a nuisance the  
9 definition of which does not involve air pollution, within 5,000  
10 feet outside the limits.

11 SECTION 2. Section 382.113(b), Health and Safety Code, is  
12 amended to read as follows:

13 (b) An ordinance enacted by a municipality:

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

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

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

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

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1 Act takes effect September 1, 2007.