

By: Jackson

S.B. No. 1317

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. Subsection (a), Section 217.042, Local  
6 Government Code, is 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 address levels of emissions authorized  
10 in an air permit issued by the Texas Commission on Environmental  
11 Quality, within 5,000 feet outside the limits.

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

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

17 (1) abate a nuisance; and

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

22 (b) An ordinance enacted by a municipality:

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

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

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

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