

1-1 By: Jackson S.B. No. 1317
1-2 (In the Senate - Filed March 7, 2007; March 19, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 25, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 25, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1317 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to prohibiting a municipality from enacting regulations on
1-11 air pollution that apply outside its corporate limits.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 217.042, Local
1-14 Government Code, is amended to read as follows:

1-15 (a) The municipality may define and prohibit any nuisance
1-16 within the limits of the municipality and, for a nuisance the
1-17 definition of which does not address levels of emissions authorized
1-18 in an air permit issued by the Texas Commission on Environmental
1-19 Quality, within 5,000 feet outside the limits.

1-20 SECTION 2. Section 382.113, Health and Safety Code, is
1-21 amended to read as follows:

1-22 Sec. 382.113. AUTHORITY OF MUNICIPALITIES. (a) Subject to
1-23 Section 381.002, a municipality has the powers and rights as are
1-24 otherwise vested by law in the municipality to:

1-25 (1) abate a nuisance; and

1-26 (2) enact and enforce an ordinance for the control and
1-27 abatement of air pollution, or any other ordinance, not
1-28 inconsistent with this chapter or the commission's rules, permits,
1-29 or orders.

1-30 (b) An ordinance enacted by a municipality:

1-31 (1) must be consistent with this chapter and the
1-32 commission's rules, permits, and orders;

1-33 (2) [and] may not make unlawful a condition or act
1-34 approved or authorized under this chapter or the commission's
1-35 rules, permits, or orders; and

1-36 (3) does not apply outside the corporate limits of the
1-37 municipality.

1-38 SECTION 3. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2007.

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