

By: Coleman

H.B. No. 4120

A BILL TO BE ENTITLED

AN ACT

relating to an odor nuisance ordinance enacted by a municipality.

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

SECTION 1. Section 382.113(b), Health and Safety Code, is amended to read as follows:

(b) An ordinance enacted by a municipality:

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

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

(3) must establish objective, ascertainable, and measurable standards for any nuisance odors.

SECTION 2. 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, 2009.