

By: Dutton

H.B. No. 2908

A BILL TO BE ENTITLED

AN ACT

relating to authority of a municipality to adopt certain ordinances.

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

SECTION 1. Section 51.001, Local Government Code, is amended to read as follows:

Sec. 51.001. ORDINANCE, RULE, OR REGULATION NECESSARY TO CARRY OUT OTHER POWERS. (a) Except as provided by Subsection (b), the ~~[The]~~ governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that:

(1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

(2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

(b) The governing body of a municipality may adopt and enforce an ordinance, rule, or regulation under this section or any other state law to regulate a person who holds a license issued by a state agency only if state law expressly authorizes the governing body of a municipality to adopt and enforce an ordinance, rule, or regulation to regulate the person in the manner in which the ordinance, rule, or regulation proposes to regulate the person.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.