

By: Darby

H.B. No. 2855

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to prohibit an activity over which the Railroad Commission of Texas has jurisdiction.

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

SECTION 1. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.0523 to read as follows:

Sec. 81.0523. POLITICAL SUBDIVISION AUTHORITY. (a) A political subdivision may not adopt or enforce an order, ordinance, or similar measure that prohibits or has the effect of prohibiting an operation under the jurisdiction of the commission as described by Section 81.051.

(b) The commission has exclusive jurisdiction to determine whether the adoption or enforcement by a political subdivision of an order, ordinance, or similar measure prohibits or has the effect of prohibiting an operation under the jurisdiction of the commission as described by Section 81.051.

(c) A person affected by the adoption or enforcement by a political subdivision of an order, ordinance, or similar measure may submit to the commission a request that the commission make a determination described by Subsection (b) with respect to the adoption or enforcement of the order, ordinance, or measure. The person and the political subdivision shall share equally the costs incurred by the commission in connection with making the

1 determination.

2 (d) A commission determination issued under this section is
3 not appealable.

4 SECTION 2. This Act takes effect September 1, 2015.