

CHAPTER 125

H.B. No. 1105

An Act relating to the authority of an incorporated city or town to enforce, in its corporate limits, the Solid Waste Disposal Act and rules adopted and permits and orders issued under that Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 8(a)(5), Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended to read as follows:

(5) Whenever it appears that a violation or threat of violation of any provision of this Act, or of any rule, permit, license, or other order of the department, the department of water resources, a county, or a political subdivision exercising the authority granted in Section 6 of this Act, has occurred or is occurring within the *corporate limits* or ~~area of the~~ extraterritorial jurisdiction of an incorporated city or town, or is causing or will cause injury to or an adverse effect on the health, welfare or physical property of the city or town or its inhabitants, then the city or town, in the same manner as the department of water resources and the department, may cause a civil suit to be instituted in a district court through its own attorney for the injunctive relief or civil penalties, or both, as authorized in Subsection (3) of this section, against the person who committed, is committing, or is threatening to commit, the violation.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional

rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 2, 1985, by a non-record vote; passed by the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 17, 1985

Effective: August 26, 1985