

## **BILL ANALYSIS**

S.B. 1317  
By: Jackson, Mike  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a municipality may define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside those limits. However, a certain city in Texas has proposed to regulate air pollution outside of its corporate city limits through a local nuisance ordinance.

S.B. 1317 authorizes a home-rule municipality to define and prohibit a nuisance within 5,000 feet outside the limits of the municipality the definition of which does not address levels of emissions authorized in an air permit issued by the Texas Commission on Environmental Quality.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SB 1317 amends the Local Government Code to authorize a home-rule municipality to define and prohibit a nuisance within 5,000 feet outside the limits of the municipality the definition of which does not address levels of emissions authorized in an air permit issued by the Texas Commission on Environmental Quality.

The bill amends the Clean Air Act in the Health & Safety Code to specify that a municipality does not have the authority to enact and enforce an ordinance for the control and abatement of air pollution, or any other ordinance, that is inconsistent with the TCEQ's permits. The bill requires an ordinance enacted by a municipality to be consistent with the TCEQ's permits. The bill prohibits an ordinance enacted by a municipality from making unlawful a condition or act approved or authorized under the TCEQ's permits. The bill prohibits an ordinance enacted by a municipality under this section from applying outside the corporate limits of the municipality

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.