

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 14, 2009

TO: Honorable Byron Cook, Chair, House Committee on Environmental Regulation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1693 by Ogden (Relating to the regulation of poultry facilities and poultry litter.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code and the Water Code relating to the regulation of poultry facilities and poultry litter. The bill would require the Texas Commission on Environmental Quality (TCEQ) to respond and investigate complaints concerning odor associated with poultry facilities. The bill would give TCEQ the authority to issue a notice of violation if it is determined that a poultry facility is violating the terms of its air quality authorization or is creating a nuisance. The bill would require TCEQ to enter into comprehensive compliance agreements with facilities that receive three notices of violation in any 12-month period.

The bill would require owners or operators of new poultry facilities to complete a poultry facility training course on the prevention of odor nuisances from the Texas AgriLife Extension Service. The bill would authorize Texas AgriLife Extension Service to collect a fee from an owner or operator of a poultry facility to offset the costs of this course.

The bill would require the Soil and Water Conservation Board (TSSWCB) to establish criteria for the siting and construction of new poultry facilities, in consultation with TCEQ, to determine what geographic, seasonal, and agronomic factors should be considered when determining a persistent nuisance odor condition is likely to occur.

The bill would provide TCEQ the authority to inspect any poultry facility records of the sale, purchase, transfer, or application of poultry litter.

TCEQ, TSSWCB, and Texas AgriLife Extension Service indicate that they could absorb the costs associated with the bill within their current resources.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture, 555 Texas AgriLife Extension Service, 582
Commission on Environmental Quality, 592 Soil and Water Conservation Board, 802
Parks and Wildlife Department

LBB Staff: JOB, SZ, ZS, AH, TB, SD