

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1317
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Natural Resources
4/24/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 attempted to regulate air pollution outside of its corporate city limits.

C.S.S.B. 1317 amends current law to provide that a municipality may define and prohibit any nuisance within the limits of the municipality and, for a nuisance the definition of which does not involve air pollution, within 5,000 feet outside those limits.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 217.042(a), Local Government Code, to authorize a municipality to define and prohibit any nuisance within the limits of the municipality and, for a nuisance the definition of which does not address levels of emissions authorized in an air permit issued by the Texas Commission on Environmental Quality (TCEQ), within 5,000 feet outside the limits.

SECTION 2. Amends Section 382.113, Health and Safety Code, as follows:

Sec.382.113 AUTHORITY OF MUNICIPALITIES. (a) Provides that a municipality, subject to Section 381.002, has the powers and rights as are otherwise vested by law in the municipality to enact and enforce an ordinance for the control and abatement of air pollution, or any other ordinance, not inconsistent with this chapter or TCEQ rules, permits, or orders.

(b) Provides that an ordinance enacted by a municipality does not apply outside the corporate limits of the municipality. Makes conforming changes.

SECTION 3. Effective date: upon passage or September 1, 2007.