

## **BILL ANALYSIS**

Senate Research Center  
78R15830 MI-F

C.S.H.B. 1287  
By: Chisum (Madla)  
Intergovernmental Relations  
5/21/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently the Texas Commission on Environmental Quality is required to prohibit the location of or operation of a concrete crushing facility within 440 yards of certain facilities. C.S.H.B. 1287 deletes this requirement as it pertains to the location but retains it for the operation of such facilities within 440 yards of a building used as a single or multifamily residence, school, or place of worship, in certain instances.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Environmental Quality Commission is modified in SECTION 2 (SECTION 382.065, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 382.056(r), Health and Safety Code, to provide that this section does not apply to certain facilities.

SECTION 2. Amends Section 382.065, Health and Safety Code, as added by Chapter 965, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 382.065. New heading: CERTAIN LOCATIONS FOR OPERATING CONCRETE CRUSHING FACILITY PROHIBITED. (a) Deletes the requirement of the Texas Commission on Environmental Quality (TCEQ) to prohibit the location of a concrete crushing facility within 440 yards of certain facilities at the time the application for a permit to operate the facility at a site near the residence, school, or place of worship is filed with TCEQ. Requires the measurement of distance for purposes of this subsection to be taken from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility.

(b) Provides that Subsection (a) does not apply to a concrete crushing facility that meets certain conditions.

(c) Provides that except as provided by Subsection (d), Subsection (a) does not apply to a concrete crushing facility that meets certain conditions.

(d) Provides that notwithstanding Subsection (c), Subsection (a) applies to a concrete crushing facility in a county with a population of 2.4 million or more or in a county adjacent to such a county.

SECTION 3. Requires TCEQ to adopt rules to implement Section 382.065, Health and Safety Code, as amended by this Act, as soon as practicable and not later than January 1, 2004.

SECTION 4. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective.