

BILL ANALYSIS

Senate Research Center
80R3142 SGA-D

S.B. 644
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Natural Resources
3/12/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, concrete crushing facilities are prohibited from operating within 440 yards of a building that is being used as a single or multifamily residence, a school, or a place of worship. The current prohibition providing a distance of concrete crushing facilities from certain places still leaves other outdoor areas in communities vulnerable to health risks associated with those facilities.

As proposed, S.B. 644 extends the distance that a concrete crushing facility may operate from certain places, and includes places of business where employees perform outdoor labor, parks, or outdoor recreational facilities in the existing prohibition.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.065, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.065, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Requires the Texas Commission on Environmental Quality (TCEQ) by rule to prohibit the operation of a concrete crushing facility within 440 yards of a place of business where employees of the business perform outdoor work near the concrete crushing facility, or a park or other outdoor recreational facility, including a playing field. Deletes existing text requiring the prohibition of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship 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 the commission.

(a-1) Provides that the measurement of distance is the shortest distance between the concrete crushing facility and a building, place of business, or outdoor recreational facility. Deletes existing text providing for the measurement of distance between the crushing facility and a residence, school, or place of worship.

(b) Provides an exemption for a rule adopted under this section if a concrete crushing facility is at a location that satisfies the distance requirements of Subsection (a) at the time the application for the first authorization for the operation of that facility, provided that the authorization is granted and maintained, regardless of whether a building, place of business, or outdoor recreational facility described by Subsection (a) is within 440 yards of the facility. Deletes existing text to make a conforming change.

SECTION 2. Makes application of this Act prospective.

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