

By: Collier

H.B. No. 406

A BILL TO BE ENTITLED

AN ACT

1
2 relating to who may request a public hearing from the Texas
3 Commission on Environmental Quality related to the construction of
4 a concrete plant.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 382.058(c), Health and Safety Code, is
7 amended to read as follows:

8 (c) For purposes of this section, only a representative of a
9 school, place of worship, licensed day-care center, hospital, or
10 medical facility or a person [~~those persons actually~~] residing [~~in~~
11 ~~a permanent residence~~] within 880 [440] yards of the proposed plant
12 may request a hearing under Section 382.056 as a person who may be
13 affected. The commission shall adopt rules establishing who
14 qualifies as a representative of a school, place of worship,
15 licensed day-care center, hospital, or medical facility under this
16 section.

17 SECTION 2. The change in law made by this Act applies only
18 to an application for a permit that is submitted to the Texas
19 Commission on Environmental Quality on or after the effective date
20 of this Act. An application for a permit that was submitted to the
21 Texas Commission on Environmental Quality before the effective date
22 of this Act is governed by the law in effect at the time the
23 application was filed, and the former law is continued in effect for
24 that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.