

By: Haggerty

H.B. No. 1005

A BILL TO BE ENTITLED

AN ACT

relating to emergency orders and penalties for rock crushers and concrete plants.

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

SECTION 1. Section 5.5145, Water Code, is amended to read as follows:

Sec. 5.5145. EMERGENCY ORDER CONCERNING OPERATION OF ROCK CRUSHER OR CONCRETE PLANT WITHOUT PERMIT. The commission may [~~shall~~] issue an emergency order under this subchapter suspending operations of a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing and is required to obtain a permit under Section 382.0518, Health and Safety Code, and is operating without the necessary permit.

SECTION 2. Section 7.052(b), Water Code, is amended to read as follows:

(b) The amount of the penalty for operating a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing, that is required to obtain a permit under Section 382.0518, Health and Safety Code, and that is operating without the required permit may not exceed [~~is~~] \$10,000. Each day, for a maximum of 10 days, that a continuing violation occurs may be considered [~~is~~] a separate violation.

SECTION 3. (a) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2003.

4 (b) The changes in law made by Sections 5.5145 and 7.052(b),
5 Water Code, as amended by this Act, apply only to an offense
6 committed on or after the effective date of this Act. For purposes
7 of this section, an offense is committed before the effective date
8 of this Act if any element of the offense occurs before that date.
9 An offense committed before the effective date of this Act is
10 covered by the law in effect when the offense was committed, and the
11 former law is continued in effect for that purpose.