

By: Edwards

H.B. No. 1812

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the location and operation of a concrete crushing  
3 facility.

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

5 SECTION 1. Section 382.065, Health and Safety Code, as  
6 added by Section 5.07, Chapter 965, Acts of the 77th Legislature,  
7 Regular Session, 2001, is amended to read as follows:

8 Sec. 382.065. CERTAIN LOCATIONS FOR CONCRETE CRUSHING  
9 FACILITY PROHIBITED. [~~(a)~~] The commission by rule shall prohibit  
10 the location of or operation of a concrete crushing facility within  
11 440 yards of a building used as a single or multifamily residence,  
12 school, or place of worship.

13 [~~(b) This section does not apply to an existing concrete~~  
14 ~~crushing facility.~~]

15 SECTION 2. (a) This Act takes effect immediately if it  
16 receives a vote of two-thirds of all the members elected to each  
17 house, as provided by Section 39, Article III, Texas Constitution.  
18 If this Act does not receive the vote necessary for immediate  
19 effect, this Act takes effect September 1, 2003.

20 (b) Section 382.065, Health and Safety Code, as added by  
21 Section 5.07, Chapter 965, Acts of the 77th Legislature, Regular  
22 Session, 2001, as amended by this Act, applies to concrete crushing  
23 facilities in operation before, on, or after the effective date of  
24 this Act, except as provided by this subsection. The Texas

1 Commission on Environmental Quality by rule shall authorize a  
2 concrete crushing facility the location of which on the effective  
3 date of this Act does not comply with rules adopted under Section  
4 382.065, Health and Safety Code, as added by Section 5.07, Chapter  
5 965, Acts of the 77th Legislature, Regular Session, 2001, as  
6 amended by this Act, to continue to operate in that location until  
7 the first anniversary of the effective date of this Act.