

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 19, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1005 by Haggerty (Relating to emergency orders and penalties for rock crushers and concrete plants.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to make the issuance of an emergency order by the Texas Commission on Environmental Quality requiring shut down of a rock crusher or concrete plant discretionary. The bill would also delete the mandatory penalty of \$10,000 and provides that the penalty for operating without the required authorization may not exceed \$10,000 per day for a maximum of 10 days. The bill would prohibit the issuance of a permit for rock crushers if the facility was associated with blasting operations located over certain aquifers that are the primary source of drinking water for a county with a population in excess of 500,000 people and would also prohibit currently permitted facilities from blasting operations if they were over the identified aquifers.

Based on the analysis of the Texas Department of Transportation and the Texas Commission on Environmental Quality, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources and that no significant fiscal implication to the state is anticipated due to the number of rock crushers that could be affected. The Texas Department of Transportation estimates that 206 permanent and 246 portable rock crushers exist in the state. The Texas Commission on Environmental Quality estimates that the provisions of the bill could affect up to 19 rock crushers in Burnet, Blanco, and Hays counties.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2003.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality, 601 Department of Transportation

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