

By: Ellis

S.B. No. 455

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the location and operation of concrete crushing facilities.

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

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

(a) The commission by rule shall prohibit the operation of a concrete crushing facility within 440 yards of the following types of buildings or facilities:

(1) a building in use as a single or multifamily residence, school, or place of worship;

(2) a place of business where employees of the business perform outdoor work near the concrete crushing facility;

or

(3) a park or other outdoor recreational facility, including a playing field ~~[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) The measurement of distance for purposes of this section is the shortest distance between ~~[subsection shall be taken from the point on]~~ the concrete crushing facility and a building, place of business, or outdoor recreational facility described by Subsection (a) ~~[that is nearest to the residence, school, or place~~

1 ~~of worship toward the point on the residence, school, or place of~~
2 ~~worship that is nearest the concrete crushing facility].~~

3 (b) A rule adopted under this section [~~Subsection (a)~~] does
4 not apply to a concrete crushing facility:

5 (1) at a location for which commission authorization
6 for the operation of a concrete crushing facility was in effect on
7 September 1, 2001; or

8 (2) at a location that satisfies the distance
9 requirements of Subsection (a) at the time the application for the
10 initial authorization for the operation of that facility at that
11 location is filed with the commission, provided that the
12 authorization is granted and maintained, regardless of whether a
13 building, place of business, or outdoor recreational facility
14 described by Subsection (a) [~~single or multifamily residence,~~
15 ~~school, or place of worship~~] is subsequently built or put to use
16 within 440 yards of the facility.

17 SECTION 2. The change in law made by this Act applies only
18 to an application for a permit to operate a concrete crushing
19 facility that is filed on or after the effective date of this Act.
20 An application for a permit filed before the effective date of this
21 Act is governed by the law in effect on the date of filing, and that
22 law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2011.