

By: Allen

H.B. No. 1280

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) In this subsection, "representative" means a person in a  
9 decision-making capacity with fiduciary responsibility, or that  
10 person's designee. For purposes of this section, only a  
11 representative of a school, place of worship, licensed day-care  
12 center, hospital, or medical facility located within 440 yards of  
13 the proposed plant or a person [~~those persons actually~~] residing  
14 [~~in a permanent residence~~] within 440 yards of the proposed plant  
15 may request a hearing under Section 382.056 as a person who may be  
16 affected.

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, 2019.