88R5982 JXC-D

By:  Walle H.B. No. 1387

A BILL TO BE ENTITLED

AN ACT

relating to the persons entitled to request a public hearing from the Texas Commission on Environmental Quality related to the construction of a concrete plant.

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

SECTION 1.  Section 382.058(c), Health and Safety Code, is amended to read as follows:

(c)  For purposes of this section, only a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person [~~those persons actually~~] residing [~~in a permanent residence~~] within 440 yards of the proposed plant may request a hearing under Section 382.056 as a person who may be affected. The commission shall adopt rules establishing who qualifies as a representative of a school, place of worship, licensed day-care center, hospital, or medical facility under this section.

SECTION 2.  The change in law made by this Act applies only to an application for an authorization to use a permit that is submitted to the Texas Commission on Environmental Quality on or after the effective date of this Act. An application for an authorization to use a permit that was submitted to the Texas Commission on Environmental Quality before the effective date of this Act is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.