

By: Walle

H.B. No. 1387

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the persons entitled to request a public hearing from
3 the Texas Commission on Environmental Quality related to the
4 construction of 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) For purposes of this section, only a representative of a
9 school, place of worship, licensed day-care center, hospital, or
10 medical facility or a person [~~those persons actually~~] residing [~~in~~
11 ~~a permanent residence~~] within 440 yards of the proposed plant may
12 request a hearing under Section 382.056 as a person who may be
13 affected. The commission shall adopt rules establishing who
14 qualifies as a representative of a school, place of worship,
15 licensed day-care center, hospital, or medical facility under this
16 section.

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

1 that purpose.

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