By: Miles S.B. No. 395

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a concrete crushing facility near a hospital.

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

SECTION 1. Sections 382.065(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The commission by rule shall prohibit the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, hospital, or place of worship at the time the application for a permit to operate the facility at a site near the residence, school, hospital, or place of worship is filed with the commission. The measurement of distance for purposes of this subsection shall be taken from the point on the concrete crushing facility that is nearest to the residence, school, hospital, or place of worship toward the point on the residence, school, hospital, or place of worship that is nearest the concrete crushing facility.

(b) Subsection (a) does not apply to a concrete crushing facility:

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

(2) at a location that satisfies the distance requirements of Subsection (a) at the time the application for the

initial authorization for the operation of that facility at that location is filed with the commission, provided that the authorization is granted and maintained, regardless of whether a single or multifamily residence, school, hospital, or place of worship is subsequently built or put to use within 440 yards of the facility; or

(3) that:

(A) uses a concrete crusher:

(i) in the manufacture of products that contain recycled materials; and

(ii) that is located in an enclosed building; and

(B) is located:

(i) within 25 miles of an international border; and

(ii) in a municipality with a population of not less than 6,100 but not more than 20,000.

SECTION 2. Section 382.065, Health and Safety Code, as amended by this Act, applies only to an application for a permit or authorization to use a permit to operate a concrete crushing facility that is filed on or after the effective date of this Act. An application for a permit or authorization to use a permit filed before the effective date of this Act is governed by the law in effect on the date of filing, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2027.