

1-1 By: Miles S.B. No. 793  
 1-2 (In the Senate - Filed February 9, 2017; February 22, 2017,  
 1-3 read first time and referred to Committee on Natural Resources &  
 1-4 Economic Development; May 3, 2017, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 9,  
 1-6 Nays 2; May 3, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 793 By: Miles

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to restrictions on the location and operation of concrete  
 1-24 crushing facilities.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 382.065, Health and Safety Code, is  
 1-27 amended by amending Subsections (a) and (b) and adding Subsections  
 1-28 (a-1) and (a-2) to read as follows:

1-29 (a) The commission by rule shall prohibit the operation of a  
 1-30 concrete crushing facility within 440 yards of the following types  
 1-31 of buildings or facilities:

1-32 (1) a building in use as a single or multifamily  
 1-33 residence, school, or place of worship;

1-34 (2) an area designated as a public park by action of a  
 1-35 governmental entity; or

1-36 (3) after notice is given to the operator of the  
 1-37 concrete crushing facility, an outdoor recreational facility used  
 1-38 for organized sporting events during the time the recreational  
 1-39 facility is used for those events [at the time the application for a  
 1-40 permit to operate the facility at a site near the residence, school,  
 1-41 or place of worship is filed with the commission].

1-42 (a-1) Rules adopted under this section must provide for the  
 1-43 manner and time of giving notice to an operator of a concrete  
 1-44 crushing facility under Subsection (a)(3).

1-45 (a-2) The measurement of distance for purposes of this  
 1-46 section is the shortest distance between [subsection shall be taken  
 1-47 from the point on] the concrete crushing facility and a building,  
 1-48 public park, or outdoor recreational facility described by  
 1-49 Subsection (a) [that is nearest to the residence, school, or place  
 1-50 of worship toward the point on the residence, school, or place of  
 1-51 worship that is nearest the concrete crushing facility].

1-52 (b) A rule adopted under this section [Subsection (a)] does  
 1-53 not apply to a concrete crushing facility:

1-54 (1) at a location for which commission authorization  
 1-55 for the operation of a concrete crushing facility was in effect on  
 1-56 September 1, 2001;

1-57 (2) at a location that satisfies the distance  
 1-58 requirements of Subsection (a) at the time the application for the  
 1-59 initial authorization for the operation of that facility at that  
 1-60 location is filed with the commission, provided that the

2-1 authorization is granted and maintained, regardless of whether a  
2-2 building, public park, or outdoor recreational facility described  
2-3 by Subsection (a) [~~single or multifamily residence, school, or~~  
2-4 ~~place of worship~~] is subsequently built or put to use within 440  
2-5 yards of the facility; or

2-6 (3) that:

2-7 (A) uses a concrete crusher:

2-8 (i) in the manufacture of products that  
2-9 contain recycled materials; and

2-10 (ii) that is located in an enclosed  
2-11 building; and

2-12 (B) is located:

2-13 (i) within 25 miles of an international  
2-14 border; and

2-15 (ii) in a municipality with a population of  
2-16 not less than 6,100 but not more than 20,000.

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

2-23 SECTION 3. This Act takes effect immediately if it receives  
2-24 a vote of two-thirds of all the members elected to each house, as  
2-25 provided by Section 39, Article III, Texas Constitution. If this  
2-26 Act does not receive the vote necessary for immediate effect, this  
2-27 Act takes effect September 1, 2017.

2-28 \* \* \* \* \*