

BILL ANALYSIS

Senate Research Center

H.B. 1514
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Business & Commerce
5/9/2001
Engrossed

DIGEST AND PURPOSE

Rapid population growth in Texas is causing residential and commercial structures to exist within close proximity to one another. When commercial and residential neighborhoods are developed around existing commercial enterprises, some enterprises have been pressed for an alteration in mode of operation or a complete cessation of operation, particularly if the enterprise's mode of operation causes offensive odors or noises. H.B. 1514 provides that a commercial enterprise is not required to change its current mode of operation if the area within certain distances of the enterprise was not primarily used for residential purposes at the time the enterprise was first established.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 35D, Business & Commerce Code, by adding Section 35.56, as follows:

Sec. 35.56. PERMITTED OPERATION OF ESTABLISHED COMMERCIAL ENTERPRISE. (a) Provides that this section applies to certain areas.

(b) Provides that, if the mode of operation of a commercial enterprise remains substantially unchanged, the enterprise is not required to change its current mode of operation or change the use of its current mode of operation for any publicly known planned expansion if the area within the distance requirements prescribed by Subsection (a) was not primarily used for residential purposes at the time the enterprise was originally established.

(c) Provides that this section does not restrict, prevent, or preempt the enforcement of any applicable city, county, state, or federal law by a governmental entity of this state or of the United States.

SECTION 2. Provides that the change in law made by this Act applies to a commercial enterprise regardless of the date on which the commercial enterprise was established.

SECTION 3. Effective date: upon passage or September 1, 2001.